

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12280 of 2009

=====

Meera Devi, wife of Rama Shankar Lal Shrivastava, presently residing at F/47, People's Co-operative Colony, Kankarbagh, P.S. Kankarbagh in the town and district of Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
3. The Director, Consumer Protection Directorate, Department of Food and Consumer Protection, Government of Bihar, Patna
4. Bihar State Food and Civil Supplies Corporation Limited through its Managing Director, Sone Bhawan, 5th Floor Birchand Patel Path, Patna 800001
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna 800001
6. The Chief of Administrator, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor Birchand Patel Path, Patna 800001
7. The Chief-of-claim, Headquarter, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor Birchand Patel Path, Patna 800001.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Mr. Anil Kumar Rai, Mr. Uday Narayan Singh, Mr. Rajesh Kumar
For the State	:	Mr. Upendra Pratap Singh, Mr. Sushil Kumar Mallick, AC to SC 4
For the BSFC	:	Mr. Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-01-2018

Heard learned counsel for the petitioner and learned counsel for the State as well as Bihar State Food and Civil Supplies Corporation Limited.

In the present case, the basic grievance has been left for decision of this court that demand which has been made by the Corporation for payment of Rs.1,05,667.20 along with 18% interest and total calculated amount comes to Rs.5,50,059.71



and after deduction direction was to make payment of Rs. 4,01,670.71.

The petitioner was an employee of the Corporation as there was shortage, after the enquiry it was found that there is shortage of Rs. 1,05,667.20 which the original petitioner never challenged before any court or authority but while adjusting Rs. 1,05,667,20 Corporation added the interest at the rate of 18% which is commercial rate, whereas original petitioner was an employee and there was no agreement that any shortage will be recovered along with interest of 18%.

Per se the action of the Corporation cannot be approved specially when the Corporation is not paying interest to petitioner at the same rate over his out-standing dues only charging the interest over the petitioner. If the Corporation intends to take interest they should be ready to pay the interest in equal term. There cannot be unilateral claim of interest by the Corporation.

In such view of the matter, as on the day of the adjustment the petitioner was entitled to Rs.1,38,389.00 which may be adjusted against the claim of Corporation. This Court finds that action of Corporation charging 18% interest over and above of principal amount is arbitrary in view of fact that there is no agreement authorizing 18% interest. This Court directs, after adjustment of principal amount rest payment should be made to



the petitioner. It has been informed to this Court that even after death of the employee no retrial dues have been paid.

Admittedly the present petitioner will be entitled to the leave encshment and gratuity that must be paid within a period of two months from the date of receipt/production of a copy of this order. If the payment is not made within two months, it will carry interest of 9%. So far benefit arising from provident fund is concerned, the petitioner would deposit form to the Corporation and Corporation will be obliged to refer it to the Provident Fund Commissioner and Provident Fund Commissioner will also be obliged to calculate the entitlement of the petitioner and pay the same without any delay. It is made clear that as there is pensionary scheme in the Corporation and the same cannot ber given to her.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.1.2018
Transmission Date	NA

