

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18885 of 2014

=====

Akhilesh Kumar Srivastava S/o Late Ganesh Prasad Resident of Mohalla -
A.N. College, Professor Colony, New Punaichak, P.S. - Shastri Nagar, District
- Patna, at present working on contract basis after retirement on the post of
Assistant Manager, Bihar State Food and Civil Supplies Corporation, Nalanda
... Petitioner

Versus

1. The Bihar State Food & Civil Supplies Corporation through its Managing
Director, Birchand Patel Path, Sone Bhawan,. 5th Floor, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Birchand Patel Path, Sone Bhawan, 5th Floor, Patna.
3. The Chief Administration, Bihar State Food and Civil Supplies Corporation,
Birchand Patel Path, Sone Bhawan, 5th Floor, Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation,
Nalanda at Biharsharif.
5. The Desk Officer, Head Quarter, Bihar State Food and Civil Supplies
Corporation, Birchand Patel Path, Sone Bhawan, 5th Floor, Patna
... Respondents

=====

Appearance :

For the Petitioner :Mr. Bishnu Kant Dubey, Adv.

For the Respondents :M/s Shailendra Kumar Singh & Lalmani Sharma, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-05-2018 Heard the learned counsel for the petitioner and the
respondent-Corporation.

This writ petition has been filed claiming arrears of
difference of fixed salary for the period during April, 2011, to
January, 2013, and, thereafter full salary for the duty discharged from
February, 2013, till 30.06.2015, i.e., the date on which the petitioner
has attained the age of 67 years. He submits that in view of the
decision, dated 10.07.2015, of the State Government, the petitioner is
entitled for payment of salary till attaining the age of 65 years.

It appears from the pleadings and the supplementary
affidavit filed on behalf of the petitioner that as per decision of the



Government, dated 10.07.2015, under Resolution of the General Administrative Department, the maximum age for engaging the services on contractual post was fixed at 65 years and there was a clause that the age could further be enhanced from 65 to 67 years after taking approval of the Finance Department and General Administrative Department. Whether such final decision has been taken in respect of the petitioner's engagement after attaining the age of 65 years or not is not apparent from the records. However, it is submitted by the counsel for the petitioner that under no circumstances petitioner can be deprived of the payment for the duty discharged on contractual basis in the service of the respondent-Corporation up-to attaining the age of 65 years.

In support of his submission, the learned counsel for the petitioner relies upon the statement made by the District Manager, Bihar State Food and Civil Supplies Corporation, Nalanda at Biharsharif, who was the authority who had utilized the services of the petitioner. He submits that the recommendation was sent by the District Manager, Bihar State Food and Civil Supplies Corporation, Nalanda at Biharsharif, and he had requested the higher authorities for issuance of the authority slip for payment of the dues in favour of the petitioner. The letter has been issued to the Chief of Administration, Bihar State Food and Civil Supplies Corporation, Birchand Patelpath, Sone Bhawan, 5th Floor, Patna, respondent no. 3, and the same is



dated 28.11.2013 and is Annexure “C” to the counter affidavit. Since, the final decision is to be taken by the Chief of Administration with respect to the petitioner’s claim whether he would be entitled to payment even after attaining the age of 65 years or not.

This Court is, therefore, of the considered opinion to dispose of the writ petition with a direction to the Managing Director, Bihar State Food and Civil Supplies Corporation, Birchand Patelpath, Sone Bhawan, 5th Floor, Patna, respondent no. 2, to take a final decision and make the payment of admissible dues to the petitioner subsequent upon the recommendation made in favour of the petitioner under letter, dated 28.11.2013, Annexure “C” to the counter affidavit. Final decision in respect of the petitioner’s claim of payment by a reasoned and speaking order in accordance with law and consequential financial benefits must be paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observation, this writ application is **disposed off.**

(Madhuresh Prasad, J)

Shamshad/-

U			
---	--	--	--

