

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12403 of 2013

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Awadh Kishore Prasad, Son of Late Ishwari Prasad Rajak, Resident of Mohalla -
Chitragupta Nagar, H. No. 1168, Near Babulal Compound, Kankarbagh, P.S. -
Kankarbagh, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Patna.
6. The District Manager, Bihar State Food and Civil Supply Corporation Ltd, Khagaria.
7. The District Magistrate, Khagaria.
8. The Director, Provident Fund Directorate, Pant Bhawan, Patna.
9. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Jha, Advocate
For the State	:	Mr. Rakesh Prabhat, A.C. to S.C. 21
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
For the Accountant General	:	Mr. Manikant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-05-2018



Heard learned counsel for the petitioner; State and Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as the 'Corporation').

2. The petitioner had moved the Court for the following reliefs:

“(i) To direct the respondents to make payment entire retrial benefits of the petitioner i.e. Pension, gratuity, Leave encashment and Group Insurance amount along with suitable interest thereon, as there is no laches on the part of the petitioner in submission of relevant papers, after his retirement.

(ii) To direct the Respondent no. 8 to sanction and issue authority slip of General Provident Fund amount in favour of the petitioner along with upto date statutory interest thereon.

(iii) To direct the respondents particularly Respondent no. 2 and 3 to make payment provisional pension and all arrears of salary etc. forthwith, during the pendency of the writ application, so that petitioner could maintain himself and his family members.

(iv) That the Hon'ble Court may be pleased to grant any other relief or reliefs to the petitioner as this Hon'ble Court may think it proper, in the present facts and circumstances of this case.”

3. In view of the pleadings on record and the up-to-date position that a substantive order has been passed in the departmental proceeding against the petitioner on 15.05.2018 and the subsequent order dated 16.05.2018, directing for release of the pensionary benefits in terms of the said order, learned counsel for the petitioner submitted that the order passed in the departmental proceeding



giving rise to a fresh cause of action, the present writ petition be disposed off with liberty to him to assail the same in an appropriate proceeding. He further submitted that whatever has been directed to be paid to the petitioner, even in terms of the said order, be directed to be paid and also in view of the departmental proceeding having been finally concluded, an amount of Rs. 1,40,000/- which had been withheld by the Corporation be now directed to be released.

4. Learned counsel for the State and the Corporation agree to the said proposal.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to assail the order dated 15.05.2018 passed against him in the departmental proceeding, before the appropriate forum, in accordance with law. The State authorities are further directed to release whatever amount is due and admissible, in terms of the said order dated 15.05.2018 as well as order dated 16.05.2018, directing for such payment, within three weeks from the date of production of a copy of this order before the respondents no. 2 and 3. Similarly, as has been agreed by learned counsel for the Corporation, the withheld amount of Rs. 1,40,000/- be paid to the petitioner within three weeks from the date of production of a copy of this order before the respondent no. 6.

6. The petitioner shall also be at liberty to file a



representation before the concerned authority, if he has any doubt or if there is any error with regard to the calculation made under various heads for which payments are made.

(Ahsanuddin Amanullah, J.)

P. Kumar

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