

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17969 of 2016

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Gajanand Prasad, Son of Late Baldeo Lal, Residing at K.B. Lal Road, Nathnagar,
PO- Nathnagar, District- Bhagalpur.

.... Petitioner

Versus

1. The Bihar State Housing Board, Patna through its Chairman
2. The Managing Director, Bihar State Housing Board, Patna.
3. The Account officer, Bihar State Housing Board, Patna.
4. The Branch Manager, Life Insurance Corporation, Pension and Group Insurance
Department Divisional Office, Frazer Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate

For the Respondent-Board : Mr. Rajnandan Prasad, Advocate

For the Respondent-L.I.C. : Mr. Abhimanyu Vatsa, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-10-2018

The writ petition has been filed by the petitioner with a prayer for quashing the information supplied to him by the appellate authority under the Right to Information Act (for short 'RTI') whereby he has been intimated that his name is not in the list of beneficiary of the Group Gratuity Scheme (for short 'Scheme'). The petitioner has also prayed that after quashing the said information supplied by the appellate authority, respondents be



directed to make payment to the petitioner under the Scheme Master Policy No.249060.

2. The contention of the petitioner is that he had superannuated from the service of the Bihar State Housing Board (for short 'Board') on 31.12.2012 from Bhagalpur Division, Bhagalpur. Soon after his retirement, the Accounts Officer of the Board issued a letter on 18.11.2014 by which he requested the Branch Manager, Life Insurance Corporation of India (for short 'LIC'), Pension and Group Insurance Department, Divisional Office, Frazer Road, Patna for payment of due amount of the Schemes Master Policy No.249060 in which name of the petitioner was running at serial no.10341. After receipt of the said letter, the LIC did not make payment to the petitioner. Being aggrieved, the petitioner sought for an information under the RTI as to why the payment is not being made to him under the Scheme. Since information was not supplied by the Information Officer, he approached the appellate authority whereafter the appellate authority supplied the required information on 02.11.2015 informing the petitioner that his name is not running in the Scheme Policy No. 249066. Hence, payment can not be made to him.

3. Assailing the aforesaid information, learned counsel for the petitioner submitted that the petitioner being an



employee of the Board as also being a member of the Scheme of the LIC is entitled for payment of gratuity after his superannuation from the post of Assistant Pump Operator.

4. The respondent Board and the LIC have filed their respective counter affidavits. In the counter affidavit filed by the respondent LIC, it has been stated that the name of the petitioner is not appearing in the list of beneficiary member of Scheme supplied by the Bihar State Housing Board. Hence, payment of gratuity amount cannot be made to him. It is further stated that the said policy had lapsed on 26.03.2011. However, a sum of Rs.2,50,000/- was deposited by the employer on 25.03.2015 for renewal of the lapsed policy along with system generated check list of employee transactions concerned and the said data was provided by Accounts Officer of the Board. Thereafter, the said policy got renewed on 26.03.2015 and the name of the petitioner is not available in the said policy. Hence, he is not eligible for any benefits under the said scheme.

5. Similarly, in the supplementary counter affidavit filed on behalf of respondent Board, it is stated that the petitioner was not a direct recruit of the Board. He was appointed as Pump Assistant vide letter No.1207 dated 2103.1972 in the Housing Department. His services were subsequently transferred after the



constitution of Board and thereafter, his services were regularized with effect from 01.06.1977. It is further stated that the Board in its 185th meeting held on 19.04.1999 vide its proceeding no.8 took a decision and the same was followed by office order memo no.4425 dated 12.06.1999 by which the Scheme was for the newly recruit regular employees of the Board implemented in the association with LIC. The name of the petitioner does not appear in list of beneficiaries of the Scheme for the employees of the Board and the LIC has rightly sent information to the petitioner in this regard vide letter dated 29.10.2015.

6. No reply to the counter affidavits filed on behalf of the respondent LIC and the Board has been filed by the petitioner.

7. It would be pertinent to note here that the entire list of the beneficiaries of the Scheme has also been annexed with the counter affidavit filed on behalf of the LIC in which also name of the petitioner does not find place.

8. Since averments made in the counter affidavits have not been controverted by the petitioner, the Court is left with no option but to accept the same.

9. As far as the reliefs sought for by the petitioner are concerned, an information supplied to the appellant under the



RTI on 02.11.2015 cannot be quashed for the simple reason that the same is based on the records available with the LIC. There is no illegality in the information so supplied. Hence, there can be no justifiable reason for quashing the same. As far as the second prayer of the petitioner regarding issuance of a mandamus for payment of the benefits under the Scheme is concerned, the same also cannot be allowed for the simple reason that the petitioner is not a member under the scheme. In absence of any proof or cogent material to substantiate that he was a member under the scheme, the Court cannot pass any positive order in his favour.

10. In that view of the matter, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

