

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5670 of 2011

=====

Ram Nandan Prasad, Son of Late Prayag Mahto, Resident of Village- Giradharpur,
Police Station+ Post Office- Birpur, District- Munger.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan Bir Chand Patel Marg, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
3. The Chief of Claim, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
4. The Employees Provident Fund Commission, Bihar, Patna, through the Commissioner, Employees, Provident Fund.
5. The Employees Provident Fund Commission, Jharkhand, Ranchi, through the Commissioner, Employees Provident Fund.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Dr. Uma Shanker Prasad, Sr. Advocate Mr. Kamla Kant Tiwari, Advocate
For the Respondents No. 1 to 3	:	Mr. Shailendra Kumar Singh, Advocate
For the Respondents No. 4 & 5	:	Mr. Madhav Krishna, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-04-2018

Heard learned counsel for the petitioner; Bihar State
Food and Civil Supplies Corporation Limited and Employees
Provident Fund Organization.

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



“That this is an application for issuance of appropriate writ/writs and direction/directions for the payment of retiral benefits including Gratuity, encashment of leave salary, Employees Provident Fund, Pension, Group Insurance and arrears of pay along with interest and compensation for delay in the aforesaid payment and any other reliefs for which the petitioner is found entitled to.”

3. Though various pleadings have been filed on behalf of the parties including supplementary counter affidavit filed today on behalf of respondents no. 1 to 3, the Court has been informed that in a regular departmental proceeding by order dated 06.07.2009, the petitioner has been awarded forfeiture of 50% retiral benefits.

4. Though, the writ petition has been filed in March, 2011, but the Court does not find any mention with regard to such order of the Disciplinary Authority against the petitioner in the year 2009, which has a direct bearing on the present case, as in the present case, payment of retiral benefits have been prayed for. The Court has further been informed that a separate writ petition i.e., C.W.J.C. No. 19213 of 2012, has been filed by the petitioner challenging such order.

5. The Court is absolutely clear that there has been deliberate and willful suppression of material facts by the petitioner as not only relevant but the most vital fact has been suppressed by him inasmuch as when already there was an order against him for



forfeiture of 50% retiral benefits, the petitioner filing the present writ application for payment of retiral benefits and not indicating even remotely that there is already an adverse order against him with regard to the post retiral benefits, the conduct of the petitioner is clearly not *bona fide*.

6. When confronted, learned counsel for the petitioner submitted that even he was not aware of such development and only a few days back he became aware of the same.

7. Be that as it may, the charge of suppression of vital and material facts is not on the counsel representing the parties but the party who is the petitioner before the Court, as it is his duty to inform the counsel and ensure that such facts are incorporated in his petition for he is the person who has the knowledge of such thing and who has affirmed the pleadings.

8. In view of there being no explanation with regard to why such vital and relevant fact having a direct bearing in the issue involved in the present case was not disclosed in the present writ application, the Court has no hesitation to dismiss the writ petition with cost.

9. Accordingly, the writ petition stands dismissed with a cost of Rs. 5,000/- on the petitioner to be deposited in the Juvenile Justice Fund of the Welfare Department of the Government of Bihar.



The same be done within three weeks from today and receipt filed in the High Court.

10. If no such receipt is filed, the Registry shall place the matter before the Bench.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

