IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15583 of 2016

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Shankar Sharan Choudhary son of late Babulal Choudhary Resident of Village-Lakhibagh, Prem Road, P.S.-Masaurhi, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Road No. 2, R. Block, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s :
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 18-08-2018

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 has moved the Court for the following reliefs:

> *" That the Petitioner is invoking the writ jurisdiction of this Hon'ble Court in the nature of writ of mandamus for directing the respondents to make payment of the gratuity, leave encashment and other death-cum-retiral benefit of late Kanta Kumari, who died unmarried and left behind the Petitioner on 26-08-2003 during service period in the Bihar State Food & Civil Supplies Corporation but the same has not been given till yet. However,*

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other dues, such as, employees provident fund amount have been paid to the Petitioner on the basis of succession certificate issued by the authority, i.e., Additional District Judge-III, Patna in Succession Case No. 88/2008 on 04-01-2010."

3. From the pleadings, it appears that against the deceased employee, who was sister of the petitioner, order has been passed for adjustment/recovery of Rs. 203965/- from her retiral dues and in terms of the order, after making payment relating to E.P.F., from the Gratuity and Earned Leave, an amount of Rs. 188825/- being payable, which even after adjustment leaves Rs. 15140/- recoverable.

4. In view of the position, the Court, in the present case, cannot go into the merits of the order relating to recovery/adjustment passed in a departmental proceeding based on an enquiry report.

5. Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, against such order for recovery/adjustment.

(Ahsanuddin Amanullah, J)

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