**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No. 7669 of 2017**

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Narendra Singh, S/o Late Yamuna Singh, R/o Village- Pipra, P.S.- Phenhara, District- East Champaran.

.... .... Petitioner/s

Versus

1. Bihar State Food & Civil Supply Corporation through its Managing Director, Khadya Bhawan, Head Quarter, Patna.
2. District Manager Bihar State Food & Civil Supply Corporation, District- Saran.
3. The Employees Provident Fund Organization through its Commissioner, Regional Office, Muzaffarpur, Surya Complex, Laxmi Chowk, Muzaffarpur.

.... .... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Uday Chand Prasad, Advocate |
| For the E.P.F.O. | : | Mr. Satyendra Kumar Jha, Advocate |
| For the B.S.F.C. | : | Mr. Mayank Shekhar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

**Date: 01-11-2018**

Heard learned counsel for the petitioner; Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as the 'Corporation') and Employees Provident Fund Organization (hereinafter referred to as the 'E.P.F.O').

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

> *"That this is an application for issuance of writ in the nature of mandamus directing to Respondents to pay the gratuity with interest, Group Insurance, revised pay scale as adopted by Corporation and the dues Salary with effect from August 2012 to October 2016 with interest and C.P.F. during posting in Corporation as well as other admissible dues which are payable by the Corporation under the Service condition of the Corporation and further issuance of any other appropriate writ or writs which the petitioner is entitled for payment of dues*

*along with 209.80% interest upon all arrears of the corporation and further directed to Respondents now to interfere with the payment of the dues Salary and other admissible dues during the posting of the petitioner in Corporation, alongwith the cost of litigation save and except in accordance with law."*

3. From the materials on record, it transpires that the E.P.F.O. has not received any form for making payment which was required to be submitted by the petitioner through the employer i.e., the Corporation. Nothing has been brought on record to show that the petitioner has applied for such payment from the E.P.F.O. Further, as per the stand of the Corporation, due to non handing over of charge of a godown and all advances taken by him, the amount recoverable has been quantified as Rs. 25,97,000/- and against the same, as per the claim of the petitioner, his payable dues would come to more than about Rs. 10 and a half lakhs.

4. In view of the fact that even as on the date of superannuation, the principal amount which became due and payable to the petitioner being less than Rs. 11 lakhs and the amount which the Corporation claims is to be recovered/adjusted from the petitioner on account of either non handing over of charge of materials or advance taken, being almost Rs. 26 lakhs, the Court finds that unless the issue is finally reconciled and settled, as of now, the petitioner cannot be paid as the amount due from him, even on the basis of the

principal amount, is far in excess of what the Corporation may owe to him. With regard to E.P.F.O., unless the petitioner submits his application in the prescribed proforma and the Corporation then sends it to the E.P.F.O., such payment also cannot be made.

5. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file a proper application with regard to E.P.F.O. before the Corporation. Upon the same being done, the Corporation shall forward the same, in accordance with law, to the E.P.F.O., within two weeks from the date of the petitioner filing such filled up form. With regard to other retiral dues, the petitioner is required to reply to the notice issued to him by the Corporation relating to such adjustment. The Court hopes that matters would be taken to their logical conclusion expeditiously by the Corporation so that ultimately the issues are finally settled between the parties, preferably within three months, subject to the petitioner cooperating.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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