IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13023 of 2017

==

Kulwanti Devi @ Kulwanti Kunwar @ Kulwanti Singh, wife of Late Janardan Prasad Singh, resident of Village- Manjhiao, P.O.- Darihat, P.S.- Ayer Kotha, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary.
2. The Principal Secretary, Food and Civil Supplies Department, Bihar, Patna.
3. The Managing Director, State Food and Civil Supplies Corporation Ltd., Bihar, Patna, Birchand Patel Road Area, Patna, Bihar.
4. The Chief of General/ The Chief of Administration, State Food Corporation Ltd., Bihar, Patna.
5. The Deputy Chief (General) and Deputy Chief Finance, State Food Corporation Ltd., Bihar, Patna.
6. The District Magistrate, Aurangabad.
7. The District Manager, State Food Corporation Ltd., Aurangabad.

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. S. K. Mishra, Adv.
For BSFC : Mr. Anjani Kumar, Sr. Adv.
Mr. Nirmal Kumar, Adv.

==

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-10-2018

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

2. The petitioner has moved for the Court for the following relief :-

"The petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of Mandamus, or any other appropriate writ / writs, order/orders, command/ commands, direction / directions for directing the respondents to make payment of retrial dues, i.e., Gratuity, Leave Encashment, Provident Fund, etc. with statutory and penal interest

> *within stipulated time and for heavy compensation for inordinate delay in making payment of retrial dues of the husband of the petitioner."*

3. Counter affidavits have been filed on behalf of the Corporation explaining the background and circumstances under which the amount found recoverable / adjustable from the retirement benefit of the petitioner have been spelt out. From the chart it appears that after adjustment, nothing was required to be paid to the petitioner on the date of his superannuation on 31.3.2009, and in fact an amount of Rs.453559.81/- was found to be payable by the petitioner/ late husband of the petitioner to the Corporation. In view thereof, adjustments were made for various losses found in the godowns of which the husband of the petitioner was in-charge during his service period.

4. Having considered the matter and taking into account the orders passed by the Court in C.W.J.C. No.8694 of 2017 dated 23.07.2018 in the case of **Hare Krishan Lal Das Vs. The Bihar State Food and Civil Supplies Corporation Ltd and others** as well as order dated 30.08.2018 in C.W.J.C. No.8671 of 2018 in the case of **Murlidhar Singh Vs. The Managing Director, Bihar State Food and Civil Supplies Corporation and others,** the Court finds that, on the date of superannuation, nothing was payable by the Corporation to the petitioner as retiral dues of her late husband since, after adjustment

it has been found that huge amount is payable by the petitioner, on behalf of her deceased husband to the Corporation, in view of the decision of the Board of Directors dated 13.11.2001, even after the Court directing for such calculation to be made as on the date of superannuation of the husband of the petitioner, i.e., 31.3.2009.

5. Accordingly, the writ petition stands disposed off with liberty to the petitioner to approach the authorities concerned with regard to the dues payable to her, vis-à-vis, the dues claimed by the Corporation to be payable by her late husband.

6. If the petitioner files detailed representation before the Managing Director of the Corporation within three weeks from today, the same shall be considered and disposed off by passing a reasoned order within one month from the date of filing of the representation, in accordance with law.

(Ahsanuddin Amanullah, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.10.2018
Transmission Date	NA