

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8671 of 2018

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Murleedhar Singh, Son of Late Dayanidhi Singh, Resident of Village- Chhotka Baiju Tola, P.O.- Sitabdiyar Lala Tola, P.S.- Rivilganj, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The Managing Director, State Food and Civil Supplies Corporation, Son Bhawan, Patna.
2. The Chief Administrator, Bihar State Food and Civil Supplies Corporation, Son Bhawan, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation, Chapra, Saran.
4. The Provident Fund Commissioner, Bihar, Patna.
5. The Regional Provident Fund Commissioner, Muzaffarpur, Khachahari Campus Vakalatkhana Bhawan Muzaffarpur, District- Muzaffarpur- 8422001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra, Advocate
For E.P.F.O. : Mr. Satyendra Kumar Jha, Advocate
For B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 30-08-2018

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

2. The petitioner had moved the Court for the following reliefs :-

- “(i) To pay gratuity with penal interest.
- (ii) To pay earn leave with penal interest.
- (iii) To pay provident fund amount with penal interest after deduction amount which has been paid to the petitioner.



(iv) To pay difference of salary of arrear on the basis of forth, fifth and Sixth Pay revision from January 1986 to 31.10.2013.

(v) To pay the entire pension benefit and dues of petitioner with penal interest since the date of amount has been become dues till the date of their payment in the light and verdict of the Apex Court.

(vi) To pay entire arrears of D.A. of the petitioner as dues so far and dues of salary from February 2014 to January 2015 on basis of contractual appointment has been made to the petitioner.

(vii) To pay other dues for which the petitioner be found entitled to under rules.”

3. In view of various payments having been made to him and today also cheque of Rs.6,55,623/- having been handed over by learned counsel for the Corporation to learned counsel for the petitioner and earlier also amounts being paid, the Court finds that all admitted retiral dues of the petitioner have been paid except for amount which may have been deducted from the salary of the petitioner by the Corporation but not forwarded to the E.P.F.O.

4. In view of the aforesaid, learned counsel for the Corporation submitted that whatever amount they had deducted from the salary of the petitioner but not forwarded to the E.P.F.O. earlier, the amount shall be paid to the petitioner within two weeks from



today.

5. However, if the petitioner has any remaining claim not relating to retiral benefits, he shall be at liberty to move before the appropriate forum in accordance with law. In view of the fact that as per the decision of the Corporation to charge interest over the loss suffered by the Corporation on account of any of its employees, the Court would not interfere in such decision on principle. However, the interest would stop on the day the person superannuated, as on that day some amount also becomes due and payable to the concerned employee and from which the Corporation is required to make adjustment. Thus, the amount of interest which has been charged from the petitioner after superannuation shall be calculated and refunded to him also within two weeks from today. Further, the Court finds that the payment of the admitted dues of the petitioner have been made almost after five years of his superannuation would entitle him to interest. Thus, 6% simple interest per annum shall also be paid to the petitioner on the amount which has been paid to him from the date the same became due till the date actual payment was made. The same be paid to him within four weeks from the date of production of a copy of this order before respondent no.2. It is clarified that the interest awarded by the Court is restricted only to the retiral benefit component.



6. The writ petition stands disposed off in the
aforementioned term.

(Ahsanuddin Amanullah, J)

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