

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5237 of 2019

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Sita Ram Mistri @ Sita Ram Thakur, son of Late Raudi Thakur Resident of
village- Pali,P.S- Ghanshyampur,District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department of Industries,Government of Bihar,Patna
2. Bihar State Khadi and Village Industries Board through the Chief Executive Officer
3. The Chief Executive Officer, Bihar state Khadi and Village Industries Board
4. The Provident Fund Officer, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suryakant Kumar
For the Respondent/s : Mr. Subhash Pd. Singh (GA-3)
For the Respondent No. 3: Mr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-04-2019

Heard the learned counsel for the parties.

The Petitioner had initially joined as voluntary worker

in Charkha Relief Kendra on 06.04.1967. However, subsequently, he was selected and appointed on the permanent post of Production Assistant in Bihar State Khadi and Village Industries Board in the year 1968 and since then he has been working on such post till his superannuation. During the tenure of his service, he was subjected to a departmental proceeding, during the pendency of which, he was kept under suspension.



Later, with the office order dated 05.04.2007, the suspension order of the petitioner was revoked, and with a warning, the petitioner was directed to join the Cotton Production-cum-Sale Centre, Khirma, Darbhanga. After his superannuation, it has been alleged by the petitioner that he was only paid a consolidated fund of Rs. 1,85,975/- and the calculation chart which has been provided to him does not indicate the heads under which such amount has been paid.

The petitioner has serious apprehension that his entitlements with respect to the salary, financial progression and other financial benefits have not been added.

Aggrieved by such consolidated payment of Rs. 1,85,975/- referred to above, the petitioner represented before the Chief Executive Officer, Bihar State Khadi and Village Industries Board several times, but the representations have gone on deaf ears. The petitioner is entitled to know the heads under which he has been paid.

Learned counsel for the Bihar State Khadi and Village Industries Board submits that with the retirement of the petitioner in the year 2007, the issue has become too stale for



this Court to pass any order. He further submits that since the petitioner was not in permanent employment, he would not be entitled to any ACP.

Perhaps, the learned counsel for the Bihar State Khadi and Village Industries Board forgets that the petitioner is compulsorily to be provided a calculation chart which would let him know under which heads had he been paid. This being the foremost prayer of the petitioner, it is highly unreasonable for the learned counsel representing Bihar State Khadi and Village Industries Board to say that the claim of the petitioner has become stale.

This Court deems it appropriate to direct the petitioner to make a fresh representation before the Chief Executive Officer, Bihar State Khadi and Village Industries Board, detailing his grievances and making a request for supply of a copy of the calculation chart of his post-retirement benefits and for payment of such entitlements which has not been paid to him without any reason, within a period of four weeks from today, who on receipt of the same, shall, after verifying the facts and records of the service of the petitioner,



would pass necessary orders in accordance with law within a further period of six weeks thereafter.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	09.04.2019
Transmission Date	

