

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1149 of 2016

Arising out of

Civil Writ Jurisdiction Case No.2444 of 2012

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Kamta Prasad Singh, son of Late Roshan Singh, resident of Village- Bela,
P.O. Lahsuna Via Masaurhi, Police Station- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The Food Corporation of India through Sri Yogendra Tripathi, its Chief Managing Director, Ministry of Food and Civil Supplies Consumer Affairs, Public Distribution, Govt. of India, New Delhi.
2. Smt. Subhlaxmi, the Joint Director (Food), Ministry of Food and Civil Supplies, Consumer Affairs and Public Distribution, Government of India, New Delhi.
3. Sri Amresh Kumar, the Deputy Manager (Personnel), Senior Regional Manager, Bihar Region, Food Corporation of India, Regional Office, Patna.
4. Sri Shaitanic, the Area Manager, Food Corporation of India, District Office, Patna.
5. Shri Deepak Thakur Chakarborty, the Accounts Officer, Ministry of Consumer Affairs, Food and Public Distribution, 5 Esplanade, East Kolkata.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Achal Kumar Sinha, Advocate
For the FCI : Mr. Prabhakar Tekriwal, Advocate

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

ORAL ORDER

3 17-04-2019 Heard learned counsel for the petitioner and learned
counsel for the opposite parties no. 1, 3 and 4.

2. The petitioner has moved the Court alleging
violation of the judgment and order dated 04.09.2015 passed in
CWJC No. 2444 of 2012.

3. Learned counsel for the petitioner submitted that
the payment of CPF amount has been made to him after filing of
the present application, though the Court had directed for



payment to be made within three weeks. It was further submitted that no payment of GPF has been made.

4. Learned counsel for the opposite parties no. 1, 3 and 4, who have filed show cause, submitted that reference to 'GPF' in the judgment dated 04.09.2015 was due to the typographical error and the same has also been corrected today to read as 'Gratuity' in Civil Review No. 103 of 2017. Learned counsel further submitted that the order itself indicated that the petitioner had to appear before the authorities for completing the formalities but as per the averments made in the contempt application itself, the petitioner had only sent a representation and had refused to submit his bank details as well as PAN and, thus, the authorities were forced to sent him the cheque of Rs. 1,71,660/- by post under letter dated 10.05.2016, which has been encashed by the petitioner. Learned counsel submitted that the amount of Gratuity of Rs. 664/- for which cheque issued by the concerned authorities had lapsed as the petitioner never came to collect the cheque and once he had also refused to accept the cheque. However, he submitted that today he has with him a cheque for an amount of Rs. 664/- under the head of Gratuity for being given to the learned counsel for the petitioner.

5. Having regard to the aforesaid, the Court finds that



the order of the Court stands complied with and further that there has been no deliberate or willful laches on the part of the opposite parties.

6. Accordingly, the application stands disposed off.

7. Learned counsel for the petitioner, on instructions from the petitioner, who was present in Court, refused to accept the cheque.

8. In view of the aforesaid conduct of the petitioner, let the cheque be retained by the learned counsel for the opposite parties. They shall not be obliged to pay it unless the petitioner comes to them or sends his authorized representative to do so. The Court would only clarify that retaining of the amount by the authorities of Gratuity shall not visit them either with any penal consequences or liability to pay anything more than the amount of Rs. 664/-.

(Ahsanuddin Amanullah, J.)

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