

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6824 of 2012

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Qumrun Nisa @ Qumrun Nesa W/O Late Md. Rahimullah R/O Mehdi Hasan
Chowk, Azad Lane, Brahampura, P.S.- Brahampura, District- Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary Food And Civil Supply Department, Govt. Of Bihar, Patna
3. Bihar State Food And Civil Supplies Corporation Through Managing Director Sone Bhawan, Bir Chand Patel Path, Patna
4. Managing Director Bihar State Food And Civil Supplies Corporation, Sone Bhawan, Bir Chand Patel Path, Patna
5. Deputy Chief Claims Bihar State Food And Civil Supplies Corporation, Sone Bhawan, Bir Chand Patel Path, Patna
6. District Manager, Bihar State Food and Civil Supplies Corporation, Katihar
7. Accounts Officer, Bihar State Food and Civil Supplies Corporation, Katihar
... .. Repondent/s

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Appearance :

For the Petitioner/s	:	Mr.Zaki Haider, Adv.
For the State	:	Mr. Madhaw Pd. Yadav, GP-23 Ms. Meera Singh, AC to GP23
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the parties.

In the present case, the petitioner is seeking relief of quashing the letter no. 9219 dated 5.12.2011 issued by the respondent no.5 by which the petitioner has been asked to deposit Rs. 7,12,871.98/- within a period of one month in the account of the Bihar State Food and Civil Supplies Corporation on account of the fact that the husband of the petitioner had taken advance which remained unadjusted as well as certain amount which he had defalcated could not be realized during the life time of her husband.



The husband of the petitioner was appointed as Assistant Go-down Manager on 7.12.1975 in the Bihar State Food Corporation. He continued to discharge the duty but, unfortunately, he died in harness on 21.12.2005 leaving behind the present petitioner (widow lady), ailing old aged mother, two minor sons and two unmarried daughters out of four daughters.

During audit of the account, it was found that the husband of the petitioner defalcated heavy amount and advance amount of Rs. 50,960/- has remained unadjusted. On perusal of the supplementary counter affidavit, it is apparent, the total defalcated amount at different centers comes to Rs. 10,48,378.44/- and during service period, certain amount was adjusted against his salary, Rs. 6,76,945.65/- remained unadjusted and, after death, total amount Rs. 2,53,842/-, break up (80,000/- + 1,20,237/- + 53,605/-), has been adjusted against unpaid salary, gratuity and leave encashment and as per the B.S.F.C., principal amount of Rs. 2,11,151.05/- along with interest which comes to Rs. 5,82,582.44/- as well as unadjusted amount of Rs. 50,960/- along with interest is to be released.

From the present affidavit, it appears that Rs. 50,960/- is the amount of advance which has remained unadjusted from the late husband of the petitioner, the Management will be at liberty to adjust the said amount without adding any interest component in that amount and so far the amount which has been adjusted after death of



the husband is Rs. 2,53,842/- are against the retiral benefit and unpaid salary of the original petitioner, the same will be returned after adjustment of Rs. 50,960/- to the petitioner without delay preferably within a period of three months from the date of receipt/production of a copy of this order. If the amount is not returned within the aforesaid period of three months, this will carry 5% simple interest. Further more, remaining unadjusted defalcated amount will not be asked to be deposited by the petitioner.

Accordingly, the letter dated 9219 dated 5.12.2011 is quashed and as stated herein above the respondents will be at liberty to recover the amount of Rs. 50,960/- and rest amount would be returned.

With the aforementioned observation and direction, this writ application is allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2019
Transmission Date	

