

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1574 of 2017

=====

Lakshmi Devi Widow of Late Bachhan Sao, resident of Mohalla- Purani
Jakkanpur, Chamar Toli, P.S.- and District- Patna.

... .. Petitioner/s

Versus

1. Bihar State Bevarage Corporation Ltd. and Anr
2. Managing Diector, Bihar State Bevarages Corporation Ltd. Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar, Advocate
For the Respondent/s : Mr. Lalit Kishore, A.G.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-08-2019 As prayed for, on behalf of the petitioner, the Bihar

Small Industries Corporation Limited, Patna is permitted to be

impleaded as respondent No. 3 to the instant writ application.

No one appears for the respondent, Bihar State
Beverage Corporation Ltd.

Petitioner has filed this application for directing the

respondents to make payment of dues under the head of gratuity

and leave encashment between 13.11.2009 to 27.07.2015 with

interest thereon.

As per the case of the petitioner, her husband was

posted as an Accountant in Bihar Small Industries Corporation

and thereafter he was sent on deputation under the Bihar State

Beverages Corporation Limited. He served in the Bihar

Beverages Corporation Limited on deputation from 13.11.2009



to 27.07.2015 when his service was repatriated to the parent organisation on 27.07.2015. The husband of the petitioner retired on 31.07.2015. The prayer is for payment under the heads of gratuity and arrear of leave encashment for the period between 15.11.2009 to 27.07.2015.

A counter affidavit has been filed on behalf of the respondents, Bihar State Beverages Corporation by its manager concerned admitting therein the fact that the husband of the petitioner was on deputation in the respondent Corporation from 13.11.2009 to 27.07.2015 and was repatriated to his parent organisation with effect from 27.07.2015, from where he superannuated on 31.07.2015. It is further stated that the Bihar State Beverages Corporation vide letter dated 28.07.2017 have requested the Bihar State Small Scale Industries to furnish the calculation of the earn leave to the petitioner so that the answering respondent may pay the proportionate amount of the earned leave for the period during which the husband of the petitioner was on deputation under the answering respondents.

After having heard learned counsel for the petitioner and having gone through affidavits filed on behalf of the parties, I do not consider it necessary to keep this application pending. The petitioner is given liberty to file a representation before the



Respondent No. 2, Managing Director, Bihar State Beverages Corporation Limited for payment of arrear of leave encashment for period from 15.11.2009 to 27.07.2015 as also for other arrears. The respondent No. 2 shall decide the representation of the petitioner within a period of three months from the receipt thereof and pay the total admissible amount to the petitioner within a further period of two months of disposal/decision on the representation. In case any amount is found not payable to the petitioner, the respondent no. 2 shall inform the same to the petitioner within the aforesaid period by a written order.

It is further directed that Bihar Small Industries Corporation Limited shall furnish all information sought for by the Bihar State Beverages Corporation in facilitating the Corporation in calculating the dues/arrears of the petitioner within the period fixed above.

[The application stands disposed of.

(Partha Sarthy, J)

kamlesh/-

U			
---	--	--	--

