

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1238 of 2018

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Ganesh Dutt Mishra Son of Late Jagdish Mishra, Resident of Village-
Dhanauti-Via-Piro, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The National Cooperative Consumers Federation of India Ltd. through its Chairman, NCUI Complex, 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016
2. The Chairman, National Cooperative Consumers Federation of India Ltd., 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016
3. National Cooperative Consumers Federation of India Ltd., 3, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016
4. The Union of India through the Department of Consumer Affairs, Food 7 Public Distribution, Krishi Bhawan, New Delhi
5. The Secretary, Department of Consumer Affairs, Food 7 Public Distribution, Krishi Bhawan, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushik, Advocate Mrs. Namrata Dubey, Advocate
For the Respondent/s	:	Mr. Daya Shankar Pd. Sinha, Advocate Mr. Amit Narayan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 06-05-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of National Cooperative Consumers' Federation of India Ltd., New Delhi (hereinafter referred to as the 'Federation').

2. On the last occasion, on 29.03.2019, counsel for the Respondent No. 3 was directed to file a counter affidavit within five weeks. Today, when the matter is taken up, counsel for Respondent No. 3 has stated that he has already informed the



Respondent No. 3 but no instructions has been received.

3. Petitioner retired as Assistant Manager from the Federation on 31.01.2017 from Bhubaneswar and, although, the service in the Federation is not pensionable, but he is entitled to leave encashment and gratuity.

4. Learned counsel for the petitioner submits that in a similar matter, the High Court of Calcutta in WP No. 194 of 2014 in the case of Kumaresh Das Vs. National Cooperative Consumers' Federation of India Ltd. & Ors. had directed the authorities to release the legitimate dues to the employee with interest @ 8% payable after the date of retirement of the said employee.

5. Considering the claim of the petitioner, this writ application is disposed of with direction to the Respondent No. 3, the Managing Director of the Federation to consider the claim of the petitioner and make payment of leave encashment and gratuity along with interest @ 8% from the date of retirement i.e. 31.01.2017 within a period of three months from the date of receipt/ production of a copy of this order.

(Nilu Agrawal, J)

Rajesh/-

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