

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19503 of 2018

Uma Shankar Singh son of Chandra Kishor Singh resident of village -
Kapsiya, Ward No. 11, P.S. District – Saharsa. Petitioner/s
Versus

1. The State Of Bihar
2. The Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Patna through its Managing Direct
3. The District Magistrate, Saharsa.
4. The Sub-Divisional Officer, Saharsa.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Patna.
6. District Manager, Bihar State Food and Civil Supplies Corporation, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-06-2020 Heard learned counsel for the parties.

The petitioner has filed the present writ petition for a direction to the respondents to pay all his due amount of Gratuity, earned leave amounting to Rs. 5,65.170/- after deducting only the amount of Rs. 25,000/- taken as advance out of his due salary for the period of his extended contractual service. He submits that even though a bill of Rs. 5,65,170/- has been got prepared but in a very dishonest, torturous and arbitrary manner the respondents are recovering an amount of Rs.4,06,926.83 by adding compound interest upon the amount of advance taken as well as an amount of Rs.41,415/- shown



due to the petitioner which is very much illegal and wrong to recover from due post retiral benefits of the petitioner.

A counter affidavit has been filed on behalf of respondent no. 6, paras 3 and 5 of which is reproduced here for ready reference:

“3. That the present petition has been inter alia for issuance appropriate writ directing the respondents to pay the petitioner all his amount of gratuity and earned leave amounting to Rs. 5,65,170/- after deducting only the amount of Rs. 25,000/- taken by the petitioner as advance out of his due salary for period of his extended contractual service, whereas even though a bill of Rs. 5,65,170/- has been got prepared but in a very dishonest, torturous and arbitrary manner the respondents are recovering an amount of Rs. 4,06,926.83/-

5. That it is stated that the petitioner has been paid an amount of Rs. 1,58,243/- vide cheque no. 002008 dated 3.7.2018 under the heading for gratuity and earned leave and again an amount of Rs. 6,84,320/- vide cheque no. 040918 dated 31.12.2018 under the heading full payment during the contract period.”

It appears from the counter affidavit that the grievance of the petitioner has been substantially redressed.



Learned counsel for the BSFC would submit that if the petitioner has any other grievance which has not been redressed as yet, he may file a detailed representation which shall be considered and appropriately decided by the respondents.

Considering the stand of the respondent No. 6 in the counter affidavit, the writ petition is disposed of with liberty to the petitioner to file a detailed representation addressed to the District Manager, Bihar State Food and Civil Supplies Corporation, Saharsa along with a copy of this order, who shall pass appropriate reasoned order on the representation.

It goes without saying that the respondent no. 6 shall ensure payment of whatever amount found admissible to the petitioner on receipt of the representation. Entire exercise in this regard must be completed within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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