

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11957 of 2017

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Shiv Kumar Singh, Son of Late Ghughuli Singh, Resident of Village-
Kukurahan, P.O.- Dalippur, P.S.- Agioan Bazar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd., Son Bhawan, R. Block Patna-1
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.
Bhojpur, Ara.
5. The Accountant General, Birchand Patel Path, Patna.
6. The District Collector, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prithivi Raj Singh, Advocate
For the BSFC	:	Mr.Sanjeev Kumar, Advocate
For the State	:	Mr.Manish Kumar, G.P.4
		Mr. Ajay Kumar, A.C. to G.P.4

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-05-2020 Heard the parties through the virtual court proceeding.

By way of filing the present writ application, the petitioner, inter alia, has sought a direction to the respondent authority to pay the retirement benefit with Pension, Gratuity, Leave Encashment, G.P.F. and E.P.F. amount of the petitioner.

Learned counsel for the petitioner submits that the petitioner was appointed provisionally as a Palladar (fourth grade) on 08.01.1970 in the office of A.S.D.O. Sadar Ara from the scale of 65-1/2-70. He further submits that the petitioner



has gone on deputation on 01.10.1974 on the State Food Corporation Department thereafter the service of the petitioner was adjusted on February, 1981. The scale of the petitioner was revised through the Finance Department, Bihar Government on 3rd Pay Revision vide letter no.31 P.R.G.-2-01/62-14636 dated 30.11.1962. As per the third revised pay scale 155-1-160-2-190 the revised Pay scale 156. He further submits that the petitioner was promoted to the Selection Grade on the pay scale 375-5-445-e.b.t.-480 w.e.f.q 4.4 vide memo no.A 188/86-4784 dated 01.05.1987 of the Chief of Administration , State Food Corporation, Patna.

Learned counsel for the petitioner submits that the petitioner was fond first time bond promotion on 01.04.1984 and his scale was revised on the same date. The petitioner was retired from his service on 31.12.2008 on the post of Peon from the office of the Bihar State Food and Civil Supplies Corporation Ltd., Bhojpur, Ara. The petitioner has found last pay of Rs.10100/- on 31.12.2008. The District Magistrate, Bihar State Food Corporation, Bhojpur, Ara has send the pension Form and Service Book of the petitioner to the Accountant General, Bihar, Patna for the fixation of pension of the petitioner vide letter



no.1084 dated 17.06.2017 (Annexure-2 to the writ petition).

The Joint Commissioner, Accounts Section, Finance Department, Pant Bhawan, Patna has send a letter to the Deputy Accountant General (Nidhi), Birchand Patel Path, Patna vide Memo No.5052 dated 07.09.2009 stating therein the petitioner was retired on 31.12.2008 on the post of Night Guard from the office of Bihar State Food & Civil Supplies Corporation Ltd., Bhojpur, Ara and to start proceeding of last payment. The State Food Corporation, Bhojpur, Ara has send a letter to the Assistant Commissioner, Accounts Section, G.P.F. Directorate, Patna vide letter no.2023 dated 16.09.2010 about the payment of the G.P.F. amount of the petitioner. In this letter, the date of appointment of the petitioner is wrongly stated as 05.09.1970 while the petitioner was appointed on 08.01.1970 (Annexure-4 to the writ petition). Learned counsel for the petitioner submits that till date no any retirement benefit has been paid to the petitioner.

Learned counsel for the petitioner is directed to file representation before the concerned authority for any due or claim remains not paid to the petitioner.

Learned counsel for the respondent no.4 has filed the



counter affidavit stating therein that the gratuity, leave encashment and other benefits have already been given to the petitioner. The petitioner received gratuity, leave encashment (Annexure-R/4/A to the counter affidavit). Learned counsel for the respondent no.4 further submits that so far as payment against ACP is concerned, it is submitted that vide proceeding contained in Memo No.8979 dated 14.10.2009, the Board of Director of the respondent Corporation has stayed the proposal of ACP to the employees of the Corporation and as such the petitioner is not entitled for any such payment.

In view of the submission submitted by the learned counsel for the parties, the writ petition is disposed of with liberty to the petitioner to file a representation before the concerned authority. If any due or claim remains to be paid, the same must be paid to the petitioner within six weeks.

(Anjani Kumar Sharan, J)

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