

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9903 of 2017

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Aasha Devi, W/o late Randhir Dubey, Resident of Village- Alawalpur, P.O. Alawalpur, P.S. Gourichak, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar State Food & Civil Supply Corporation Ltd through its Managing Director, Sone Bhawan, Birchand Patel Path, Patna-1.
2. The Chief of Claim, Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna-1
3. The District Manager, Bihar State Food & Civil Supply Corporation Ltd., Palamu
4. The Regional Provident Fund Commissioner, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Nagendra Dubey, Advocate
For the Respondent No.1 to 3	:	Mr Harish Kumar Advocate.
For the Respondent No.3	:	Mr. Dhruva Mukherjee, Sr.Adv.
For the Respondent no.4	:	Mr. Madhav Krishna, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard the parties.

The writ petition had been filed by an employee of the Bihar State Food & Civil Supply Corporation Ltd. who retired



in the year 2009 from the State of Jharkhand while working at Palamu as an Assistant Godown Manager.

The brief factual background is that earlier the original petitioner had moved this Court for payment of his retiral dues under the headings Leave Encashment, Gratuity and arrears of salary.

The earlier writ petition bearing C.W.J.C. No. 19996 of 2011 was disposed off with a direction to the Respondents to make payment of the due and admissible amount under the headings claimed by the original writ petitioner.

On account of non-compliance with the directions contempt application bearing no. M.J.C. No. 394 of 2015 came to be instituted by the original writ petitioner. The due and admissible amounts under the said heads, thus, came to be paid to the original writ petitioner.

The instant writ petition has been filed by the original writ petitioner now claiming pension. The original writ petitioner passed away on 01.12.2018. On 10-05-2019 the substitution was allowed and today, the widow of the original writ petitioner is pursuing the instant writ proceedings. The pleadings on record suggests that the Regional Provident Fund Commissioner, Bihar, Patna (Respondent No.4) is responsible



for payment of pension. The same can be done only after the Bihar State Food and Civil Supply Corporation Ltd, forwards the service history of the original writ petitioner, including the Form-10 D duly authenticated by the employer. The Bihar State Food and Civil Supply Corporation in its part expresses inability to do so, since the original writ petitioner lastly served at Palamu in the State of Jharkhand under the Jharkhand State Food and Civil Supply Corporation. The documents, therefore, are required to be sent by the Jharkhand State Food and Civil Supply Corporation to the Bihar State Food and Civil Supply Corporation and only thereafter the same can be sent to the Regional Provident Fund Commissioner, Bihar, Patna (Respondent No.4) to ensure payment of the pension to the petitioner.

For this simple procedure, the matter is now pending since 31.07.2019, on which date, this Court had directed the Bihar State Food and Civil Supply Corporation to request the Jharkhand State Food and Civil Supply Corporation for the documents required for processing the petitioner's claim for pension. The matter has been adjourned twice thereafter.

Today, Mr. Mukherjee, learned Sr. Advocate, representing the Jharkhand State Food and Civil Supply



Corporation submits that the documents have been transmitted to him by WhatsApp. He further submits that the documents required for processing the petitioner's claim would be transmitted by E-mail to the Bihar State Food and Civil Supply Corporation by tomorrow.

Mr. Harish Kumar, learned counsel representing the Bihar State Food and Civil Supply Corporation submits that the Bihar State Food and Civil Supply Corporation would process the claim of the petitioner in the next week, to ensure that the same is forwarded to the Respondent no.4 by 29.05.2020 for enabling payment of due and admissible pension to the petitioner.

Since the petitioner's limited claim is for pension, in view of the express undertaking given by the counsels on behalf of their organizations, no adjudication is called for in the instant writ proceedings.

In view of the fair stand taken by the counsels, this Court would only expect that while processing the petitioner's claim for pension they would be conscious of the fact that by now it has been only 11 years since the original writ petitioner retired and that after his demise, the widow is pursuing the claim.

Mr. Mukherjee, Sr. Advocate, further submits today that to speed up the processing of petitioner's claim for pension he



would also be forwarding the documents received by him on WhatsApp to Mr. Harish Kumar, learned counsel representing the Bihar State Food and Civil Supply Corporation Ltd. during the course of the day.

In view of the positive stand taken by the counsels, the writ petition is disposed off. The Organizations would be well advised to honor the undertaking given by the counsels and ensure that they, process the claim expeditiously, with due seriousness and in accord therewith.

Let the process be completed as per the said time line. The Regional Provident Fund Commissioner, Bihar, Patna (Respondent no.4) would thereafter be obliged to ensure payments of the due and admissible amount of the original writ petitioner's pension along with with arrears within two weeks after 29.05.2020.

The writ petition stands disposed off.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20/5/2020
Transmission Date	

