

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23737 of 2019

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Tripurari Sharan Jamaiyar, aged about 66 years (Male), Son of Late Banke Bihari Sharan, Resident of Damaria, Near Reliance Tower, Behind Quarter No. 44, Road No. 10, Gardanibagh, Post Office- Anisabad, Police Station- Gardanibagh, District- Patna - 800002.

... .. Petitioner

Versus

1. The Food Corporation of India, through the Chairman and the Managing Director, Head Quarter 16, 20 Barakhambha Lane, New Delhi- 110001.
2. The General Manager (Region) Food Corporation of India, Regional Office, Arunachal Bhawan, Exhibition Road, Patna- 800001.
3. The Assistant General Manager (Personnel) Food Corporation of India, Regional Office, Patna.
4. The Executive Director, (Eastern Zone), Food Corporation of India, Zonal Office, 10A Middleton Road, Kolkata 700071.
5. The General Manager (Vigilance), Food Corporation of India, Zonal Office, 10A Middleton Road, Kolkata 700071.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Parashuram Singh, Advocate.
For the Respondents : Mr.Prabhakar Tekriwal and Mr. Saket Tiwari,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The following reliefs have been sought for on behalf of the petitioner in the present writ application.

“1 (i) To issue an appropriate writ/order/direction in the nature of



mandamus for commanding the respondents to immediately make payment of all retirement benefits including EL/Encashment, SIAS, memento etc., with bank rate interest to the petitioner in light of the order passed by respondent no. 1 under reference no. A &R/5/(7)/2015 dated 12.09.2018 and No. A&R/5/(8)/2015 dated 12.09.2018 contained in Annexure-2.

(ii) Respondents concerned be directed to look into the petitioner's grievances/genuine claim for all retirement benefits as per order passed by Appellate Authority, Respondent No. 1.

(iii) Erring respondents be sternly dealt with for their misdeed, misdemeanor and defying act done on extraneous considerations against the petitioner by not paying the retirement benefit the retirement benefit ignoring the order passed by respondent no. 1.”

A counter affidavit has been filed on behalf of the respondent nos. 1 to 5, Food Corporation of India. The following statements have been made in paragraph nos. 4, 5, 6 and 7 of the said counter affidavit filed on behalf of respondent nos. 1 to 5.

“ 4. That in order to implement the order of penalty imposed upon the petitioner herein above his last basic was fixed as Rs. 16,400/- and on the said last basic salary his leave salary upon retirement (Leave encashment) was calculated as Rs. 1,79,537/-.

5. That from above leave encashment dues, the pending recoveries of Rs. 44,230/- related to the cost of



advertisement was recovered/adjusted and by Cheque No. 845638 dated 12.03.2015, the remaining balance amount of Rs. 1,35,307/- (Rupees One Lakh Thirty Five Thousand Three Hundred Seven) was paid to the petitioner as payment of EL encashment as per his then entitlement.

6. That in compliance of the order of Reviewing Authority i.e., quashing of penalty order dated 24.09.2014 and 26.09.2014 imposed upon the petitioner, his last basic salary was refixed as Rs. 31,020/- and on the said revised last basic salary his Leave encashment dues was recalculated as Rs. 3,39,588/-.

7. That from the abovesaid revised leave dues the excess gratuity and SIAS payments amounting to Rs. 43,392/- released to the petitioner was recovered and after accounting for the earlier payment/adjustment explained in the para 5 above, the balance amount of Rs. 1,16,659/- (Rupees One Lakh Sixteen Thousand Six Hundred Fifty Nine) was paid by Cheque No. 946348 dated 14.05.19 to the petitioner as full and final payment for earned leave dues.”

Learned counsel for the petitioner submits that certain incorrect calculations have been made in respect of the post retiral benefits for which the petitioner is entitled. It has further been submitted that part of the retiral dues have already been paid to the petitioner by the respondents.

Considering the submissions made on behalf of the parties, the petitioner is granted liberty to make/file a



representation before the concerned authority for redressal of his remaining grievance, if any.

In case, any such representation is made/filed by the petitioner before the concerned authority, the concerned authority shall consider the representation of the petitioner and pass an appropriate order, in accordance with law, within a period of four months, from the date of making/filing of such representation.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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