

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18726 of 2018

Yadunandan Raut Son of Late Narayan Raut, Resident of Village and P.O.-
Dhenga East, P.S. Arer, District- Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar and Ors
2. The Managing Director, Bihar Rajya Bij Nigam Limited Praman Bhawan,
Agriculture Farm, Mithapur, Pat
3. The Company Secretary, Bihar State Seeds Corporation Limited Krishi
Prakhestra Parisar, Mithapur, P
4. The Plant Engineer, Bihar State Bij Nigam Limited at Kudra, District
Rohtash.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Ratanakar Jha
	:	Mr.Ram Bilash Roy Raman
	:	Mr.Arun Kumar
For the Respondents	:	Mr.Anant Prasad Singh (SC 15)
	:	Mr.Nalin Vilochan Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 26-08-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

The petitioner has filed the present writ application seeking direction to the respondent Bihar Rajya Bij Nigam Ltd. to pay to him, his post retiral dues against various heads including pension, gratuity, leave encashment, provident fund etc.

It transpires that the petitioner was earlier dismissed from service and the order of dismissal was challenged before this Court. The order of dismissal was set aside by an order of



this Court dated 03.07.2014 passed in C.W.J.C. No. 6761 of 2008 and the matter was remanded back to the enquiring authority. It is the petitioner's case that thereafter there has not been any development in the departmental enquiry till his retirement in 2017.

It is evident from the pleadings on record that before approaching this Court, the petitioner, at no point of time, approached the respondents claiming payment of pensionary benefits. The petitioner could have approached this Court only in case the claim, which he was raising, was denied by the respondents. In the absence of any demand for grant of pensionary benefits from his employer, the petitioner could not have approached this Court under Article 226 of the Constitution of India seeking writ in the nature of mandamus.

Considering the above, this application stands disposed of with a liberty to the petitioner to approach the respondent Corporation by filing a representation.

It goes without saying that if any representation or application is filed by the petitioner in this regard, the same shall be gone into and considered in accordance with law. If any amount is found payable to the petitioner against pensionary benefits by the Corporation, the same must be paid to him



forthwith.

This writ application stands disposed of with the
aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

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