

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11956 of 2019

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Ramdeo Ravidas Son of late Mahabir Ravidas, resident of Village-
Champapur, P.O. and P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

1. The Food Corporation of India through its Executive Director through its Executive Director F.C.I. Zonal Office (East) 10A, Middle Ton, R.O.W. Kolkata.
2. The General Manager, F.C.I. (R.O.) Patna.
3. The Area Manager, F.C.I. D.O. Patna.
4. The Deputy General Manager (Vig.) F.C.I. Office of the General Manager (R) Arunachal Bhawan Exhibition Road, Patna.
5. The Chairman of the Board of Trustees of F.C.I. defined contribution pension Trust um Managing Director, Food Corporation of India.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the F.C.I. : Mr.Sanjay Kumar,Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 02-03-2021 No one appears for the petitioner. Learned counsel representing Food Corporation of India is present.

This writ application has been adjourned on the earlier occasion to enable learned counsel for the petitioner to file a rejoinder to the counter affidavit. The order-sheets of this case would disclose that since 01.07.2020, the matter has been adjourned on the request of learned counsel for the petitioner to grant him time to file a rejoinder.

Today, neither the rejoinder has been filed nor learned counsel appears in the Court to press this writ application.

Under these circumstances, the writ application is being disposed of on the basis of the pleadings available on the record.



This writ application has been filed for a direction to the respondents to make payment of Defined Contribution Pension to the petitioner under Defined Contribution Pension Scheme of Food Corporation of India. The petitioner claims a sum of Rs.1,72,472/- on this account.

It appears from the averments made in the writ application itself that in a disciplinary proceeding initiated against him pursuant to a criminal case registered by the Central Bureau of Investigation in Special Case No. 01 of 2013, the petitioner was proceeded against.

It is the stand of the respondents in paragraph '9' of the counter affidavit that the petitioner's conduct during service period was bad and, therefore, a penalty order was passed against him after holding proper disciplinary proceeding. He had not retired from service rather relieved from service with effect from 31.01.2013 (afternoon) vide order dated 31.01.2013 issued by the Area Manager FCI, District Office, Patna (Annexure 'D' to the counter affidavit).

Learned counsel for the respondents has further submitted that the Defined Contribution Pension Scheme came into effect vide circular dated 30.12.2016, in terms of clause 10.4 of the circular he would have been entitled for the benefit of the scheme only if the petitioner would have made contribution under the scheme. Clause 10.4 of the circular (Annexure 'B') specifically states that in case of separation of an employee on account of resignation, termination, dismissal/removal etc., payment of pension benefit shall



be computed based on member's contribution only, if any, and interest accrued thereon.

Learned counsel submits that though the scheme had come into force with retrospective effect from 01.12.2008, the fact remains that the petitioner had been relieved from service much before coming of this scheme and, therefore, he had not made any contribution under the scheme. Accordingly, he would not be entitled for the reliefs prayed in the writ application.

This Court is in agreement with the submissions of learned counsel for the Corporation/respondents. The specific statements made in paragraph '9' and '11' of the counter affidavit reads as under:

“9. That it is humbly submitted that petitioner's conduct during service period was bad and therefore penalty order was passed against him after holding proper disciplinary proceeding.

11. That it is stated that petitioner has not made any contribution in Defined Contribution Pension Scheme and it is humbly submitted that as per point No. 10.4 of circular dated 30.12.2016 annexed here as “Annexure-B” in case of separation of an employee on account of resignation/termination/dismissal/removal etc. payment of pension benefit shall be computed based on member's contribution only if any and interest accrued thereon. It is stated and submitted that as the petitioner himself had made no contribution in Defined Contribution



Pension Scheme therefore no pension benefit can be computed as his due. The petitioner simply appears to be claiming for F.C.I. contribution refundable to ex-employees against one time settlement available from 01.12.2008 to 31.01.2017 as per circular dated 31.12.2016 which is not at all tenable and sustainable in his case as he has been relieved from service.”

There is no denial of those statements by filing any rejoinder on behalf of the petitioner despite several opportunities granted to him.

In such circumstance, the writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

