

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15392 of 2017

Suresh Narayan Thakur S/o- late Nirnay Narayan Thakur Resident of Village
Bispuria, P.O. Kaluchak, P.S. Khark Bazar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan,
Daroga Rai Path, Patna, District-Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd., Khadya Bhawan, Darog Rai Path, Patna, District-Patna.
3. The Chief of Administration, Bihar State Food and Civil Supplies
Corporation Ltd., Khadya Bhawan, Daroga Rai Path, Patna, District-Patna.
4. The Chief of Claims, Bihar State Food and Civil Supplies Corporation Ltd.,
Khadya Bhawan, Daroga Rai Path, Patna, District-Patna.
5. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Ltd.,
Khadya Bhawan, Daroga Rai Path, Patna, District-Patna.
6. The District Manager, Bihar State Food and Civil Supplies, Corporation
Ltd., Bhagalpur, P.O. and P.S.-Bhagalpur, District-Bhagalpur
7. The Regional Provident Fund Commissioner, Incharge, Employees
Provident Fund Organization Bhagalpur, Regional Office, P.S.-Bhagalpur,
District-Bhagalpur.
8. The Assistant Provident Fund Commissioner, Incharge, Employees
Provident Fund Commissioner, Bhagalpur. Regional Office, P.S.-Bhagalpur,
District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the BFSC	:	Mr.Shailendra Kumar Singh, Adv.
For the EPFO	:	Mr. Prashant Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 03-03-2021 Repeatedly, the learned counsel for the
petitioner has not been appearing before this Court
although the present writ petition has been
adjourned on numerous occasions.

The present writ petition has been filed
seeking the following reliefs:-



"(I). For issuance of appropriate writ/writs order/orders direction/directions for payment of his retiral dues such as gratuity at the amended rate of Gratuity Act providing maximum Rs. 10 lacs, leave encashment as admissible to the petitioner, arrears of due salary which has not been paid to the petitioner in promoted scale of first time bound promotion and further arrears of salary in accordance with the 5th revision pay scale made applicable to the employees of the Bihar State Food & Civil Supplies Corporation Ltd. (hereinafter called as "Corporation").

(II) For issuance of appropriate writ/writs order/orders direction/directions to make payment of his arrears of salary as well as adjustment of advance bills submitted by the petitioner before the respondent no. 6 as well as increment arrears from 1988 to 2003. Apart from that, the due



T.A. bill which the petitioner has already submitted before the respondent no. 6.

(III) For issuance of appropriate writ / writs order/orders direction/directions to direct respondent nos. 7 and 8 to calculate the contribution deposited by the employee after deduction from the salary of the petitioner along with due share of the employer and the admissible interest thereon.

(IV) For issuance of further appropriate writ/writs order/orders direction/directions to direct respondent nos. 7 and 8 to fix admissible monthly pension payable to the petitioner and other admitted dues as has been found payable to the petitioner.

(V) For issuance of appropriate writ/writs order/orders direction/directions to quash the illegal letter dated 01.07.2003 wrongly issued under wrong conception that the petitioner has got one



promotion hence, first time bound promotion granted has been treated cancel without looking into the fact that the petitioner was for the first time appointed as Salesman vide letter no. 1041 dated 04.10.1977 in the pay scale of Rs. 200/- to Rs. 275/- and treating the same as promotional scale is absolutely illegal by the respondents."

The learned counsel appearing for the EPFO, Shri Prashant Sinha, submits by referring to the supplementary counter affidavit filed on behalf of the Respondents No. 7 and 8 that a sum of Rs. 8,26,696/- has already been sanctioned and paid vide cheque dated 15.12.2017, under the head of provident fund. It is further submitted that the pension amount is also being paid to the petitioner herein with effect from 09.10.2011. Hence, it is submitted that as far as the EPFO authorities are concerned, no dues are outstanding for payment.

The learned counsel appearing for the Bihar State Food and Civil Corporation Ltd., Sri



Shailendra Kumar Singh, has submitted by referring to the counter affidavit filed on behalf of the Respondents No. 1 to 6 that the entire retiral dues of the petitioner has been paid inasmuch as the outstanding retiral dues amounting to a sum of Rs. 6,31,770/- has also been sanctioned and a cheque dated 22.02.2021 has been produced before this Court, for being handed over to the petitioner. It is further submitted that as far as the issue of enhancement of the limit of gratuity amount is concerned, the respondent authorities, on this issue, have filed an appeal bearing LPA No. 131 of 2021, hence payment of the enhanced amount of gratuity shall depend on the outcome of the said LPA No. 131 of 2021. It is also submitted that the petitioner is alleged to have defalcated the amount of paddy, totalling to a sum of Rs. 20.29 lacs, nonetheless, the respondent authorities have paid all the outstanding dues of the petitioner herein. It is further submitted that the respondent authorities are taking steps to recover the loss amount from the petitioner by resorting to the



remedy available under the Bihar & Orissa Public Demand Recovery Act.

In view of the fact that none has been appearing for the petitioner in the present proceedings, I deem it appropriate to direct the respondent- Bihar State Food and Civil Supplies Corporation Ltd., to hand over the aforesaid cheque dated 22.02.2021, for a sum of Rs. 6,31,770/-, to the petitioner.

Accordingly, the aforesaid cheque dated 22.02.2021 is being handed back to the learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd., Sri Shailendra Kumar Singh for the purposes of ensuring that the same is handed over to the petitioner, through the Respondent Corporation.

Consequently, the writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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