

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1170 of 2018

In
Civil Writ Jurisdiction Case No.8694 of 2017

=====

Hare Krishna Lal Das Son of late Kewal Krishna Das, Resident of Village Ghangheya, Post Office Laxmanpur Via/Police Station Bahera, District Darbhanga, PIN- 847201.

... .. Appellant/s

Versus

1. The Bihar State Food And Civil Supplies Corporation Ltd.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan Birchand P
3. The Chief Administration, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan Bircha
4. The Chief of Finance Bihar State Food and Civil Supplies Corporation Sone Bhawan, Birchand Patel Pa
5. The Chief of Claim, Bihar State Food and Civil Supplies Corporation Ltd., Birchand Patel Path, Pat
6. The District Manager, Bihar State Food and Civil Supplies Corporation, District Office Motihari, D
7. The District Manager, Bihar State Food and Civil Supplies Corporation, District Office Rohtas Sasa
8. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Nidhi Bhawan, R-BI
9. The Assistant Commissioner, Employees Provident Fund Organization Sub Regional Office, Muzaffarpur,

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Kunal Tiwary, Advocate
For the Respondent/s : Mr.Shailendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 21-04-2022 The present Letters Patent Appeal is directed against

the order dated 23.07.2018 passed in C.W.J.C. No. 8694 of

2017, by the learned Single Judge, operative part thereof reads



as under:-

“8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the matter stands disposed off in the following terms:

(a) As rightly the stand has been taken by the Managing Director of the respondents and learned counsel appearing on his behalf, that E.P.F. dues cannot be attached or withheld under any circumstances, let the same be paid to the petitioner after fresh calculation with regard to the quantum. The same be done within two weeks from today.

(b) As far as charging of interest in terms of the resolution of the Board of Directors dated 13.11.2001 is concerned, the Court would only clarify that on the day the petitioner superannuated i.e., 28.02.2008, the clock would stop, at least with regard to charging of interest by the Corporation, for the reasons that on that day, the master servant relation having come to an end, whatever was due and payable to the petitioner from the side of the Corporation was in the possession of the Corporation which was holding it in trust for the petitioner. Once an amount due and payable to the petitioner was being held by the Corporation, whatever was due and payable by the petitioner to the Corporation had to be adjusted on that very day. The same not having been done, would not fasten the petitioner with the liability to pay interest in terms of



the resolution dated 13.11.2001, beyond his date of superannuation. Thus, the authorities are required to rework their calculation as on the date of superannuation of the petitioner with regard to calculating interest in terms of the resolution dated 13.11.2001. Once the same is done, the Corporation shall communicate to the petitioner with regard to either any dues which he is liable to pay to the Corporation or with regard to any amount which the Corporation, after such recalculation finds that may be payable to the petitioner, in which case, the same shall be paid within four weeks of the communication of the order. Let the said exercise be completed within four weeks from today. Depending upon the same, the aggrieved party shall be at liberty to move before the appropriate forum in accordance with law for the redressal of his grievance.”

In view of liberty granted in the impugned order to move the appropriate forum, in accordance with law, in case the parties have any grievance against the amount assessed, we dispose of this appeal with liberty to the Appellant to approach the appropriate forum where the appellant shall be at liberty to cite the judgments of the Hon’ble Apex Court more particularly the one rendered in the case of *Bihar State Food & Civil Supplies Corporation vs. Durga Prasad Sinha*, passed in *Civil Appeal No. 3504 of 2007*. The authority shall not be unduly



swayed by the observation made in paragraph no. 8 of the judgment passed in CWJC No. 8694 of 2018 on 23.07.2018. The decision shall be taken strictly as per law without being swayed by any of the observations made earlier.

The Ld. counsel for the Appellant, at this juncture, submits that in view of the aforesaid liberty granted to the Appellant, he has no grouse at the moment.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

