

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17025 of 2022

=====

Mahendra Sharma Son of Sri Balmiki Sharma, Resident of Village- Upahara,
P.S. Upahara, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Old Secretariat, Patna.
2. The Bihar Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, Patna through its Managing Director.
3. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Aurangabad.
5. Punjab National Bank, through the Regional Manager, R.Block, Hotel Chanakya Annexee, Patna.
6. The Branch Manager, Panjab National Bank, Upahara Branch, Goh, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajesh Mohan, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC 4)
For B.S.F.C.		Mr. Shailendra Kumar Singh, Advocate
		Mr. Utkarsh Utpal, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 09-12-2022

Learned counsel for the petitioners submits that he

has no objection to the matter being heard by the Division



Bench.

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):

“For a direction/directions upon the respondents for payment of remuneration/commission Rs. 28,68,712.31 only to the petitioner as per terms & conditions of agreement executed between the petitioner and the Bihar State Food & Civil Supply Corporation Ltd, (hereinafter to be referred for brevity the ‘BSFC’) for supply of customs milled rice (CMR) to the BSFC for the period of 2011-12 and for further order/orders and relief/reliefs for which the petitioner may entitled too.”

Learned counsel for the petitioners prays that the instant petition be disposed of exactly in the same terms as contained in judgment dated 11.05.2022, passed by this Court in CWJC No. 6852 of 2021, titled as **Lilawati Mishra Vs. The State of Bihar & Ors.**

The relevant part of the judgment reads as under:-

“73. As already discussed, India is a welfare State and has been termed a model employer. The directive principles of State policy which are fundamental to the governance of the State, impose an obligation upon the State to ensure a living way and decent standard of living. Further, it has been observed that a salaried person is almost entirely dependent upon the same, and delay or denial would impede such obligation infringing the very core of



Article 21 guaranteeing a dignified existence.

74. Considering the large number of such cases filed before this Court, it would be appropriate in our view to ask the Chief Secretary to conceive an accessible and easy mechanism for timely redressal of salary and pension-related grievances. Such a mechanism developed with a holistic view will go a long way in extinguishing the need for an aggrieved person to knock on the doors of justice.

75. In the light of the discussion above, we dispose of the writ petition in the following manner:-

(a) The respondents-authorities shall positively pay the entire amount constituting unpaid salary, gratuity, pension etc., to the writ petitioner, namely **Lilawati Mishra**, within two months from today. The Department's principal Secretary shall file an affidavit of compliance within two months from today. For compliance the matter be listed on 12.07.2022.

(b) Petitioner shall be entitled to interest on such amounts @ 18% per annum or the prevalent statutory interest, whichever is lower.

(c) Also, She shall be entitled to an exemplary cost quantified at Rs.5,00,000/- (Rupees five lacs). It shall be open for the State to recover the same from the erring officials.

(d) The Chief Secretary to the Government shall ensure that the mechanism in terms of the Bihar State Litigation Policy, 2011 is not only put in place, but also made effectively functional. He shall also endeavour to provide further mechanism, enabling the employees to vent out their grievances, be it of whatever nature. One such tool is setting up a 'Web Portal' at the level of the Principal Secretary/ Secretary of the concerned Department(s), where the employees can lodge their grievances/complaints. Such grievances/ complaints shall be processed and adequately responded to within a reasonable period. This would facilitate speedy redressal of genuine grievances and prevent unnecessary litigation, clogging the wheels of the



administration of justice. Such endeavour shall only be in the spirit of Litigation Policy, framed by the State Government. We see a significant advantage in the use of information and technology. It would result in effective and efficient redressal of grievances, if any, and improve efficiency in the affairs of governance of the State, further instilling confidence and trust amongst the employees.

(e) It is to be noted that this Court passed similar directions on an earlier occasion to set up a web portal. However, no progress in this regard has been reported to the Court.

(f) All Grievances Redressal Committees stipulated under the Litigation Policy shall be made immediately functional and operational.

(g) In the light and spirit of clause (c) of sub-section (1) of Section 89 of the Code of Civil Procedure, an endeavour shall be made of having the matters of the employees resolved through the process of judicial settlement, including settlement through Lok Adalat. The Patna High Court Legal Services Authority is requested to have the needful done.

(h) We direct the State to immediately undertake such a measure at the earliest.

(i) We also request the learned Advocate General, State of Bihar, who plays a pivotal role in the implementation of the Litigation Policy to undertake such a drive at the earliest. This he can do by engaging all the stakeholders, more specifically the Principal Secretaries of the concerned Departments.”

No one can have any objection to such prayer.

As mutually agreed, the instant petition stands disposed of in terms of judgment dated 11.05.2022 passed in **Lilawati Mishra** (Supra), and the directions contained therein



shall also govern the instant case *mutatis mutandi* to the extent possible.

Interlocutory Application(s), if any, shall stand disposed of.

For Compliance, the matter be listed on 7th of February, 2023.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

