

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8153 of 2020

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Sri Bhairab Jha S/o Late Bhavendra Nath Jha, r/o Village- Naruar, P.O.-
Lohana Road, P.S.- Bairab Asthan, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department,
Patna
2. The Cane Commissioner, Industries Department, Government of Bihar,
Patna
3. The Bihar State Sugar Corporation through the Cane Commissioner,
Industries Department, Patna
4. The General Manager, Bihar State Sugar Corporation, Samstipur unit,
Samastipur
5. The Collector, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

11 19-06-2023 The petitioner has prayed for payment of retiral dues including gratuity, provident fund and difference of salary as well as encashment of unutilized earned leave and other benefits payable to the petitioner.

2. Petitioner had retired on 09.07.2005 from the post of the Assistant Accountant of Samastipur Unit of Bihar State Sugar Corporation Ltd.

3. Counter Affidavit and Supplementary Counter Affidavit have been filed on behalf of the respondents. From perusal of paragraph nos. 4 and 5 of the 3rd Supplementary



Counter Affidavit, it appears that the admissible dues payable to the petitioner have already been paid. Paragraph nos. 4 and 5 of the 3rd Supplementary Counter Affidavit are re-produced hereinafter as follows : -

“4. That the present 3rd supplementary counter affidavit is being filed in compliance of the order dated 08.04.2021 passed by this Hon’ble Court whereby and respondents State and Corporation were directed to take instruction especially with respect to payment of interest under payment of Gratuity Act, 1972.

5. That before coming to the issue at the cost of repetition respondents seeks indulgence of this Hon’ble Court to give certain factual background under which one time settlement under the Exit, settlement policy was extended to more than 16 thousand and above employees of the 15 Sugar Mills and Headquarter of the Corporation.”

4. Learned counsel appearing on behalf of the petitioner submits that some dues still remain to be paid to the petitioner and he seeks permission to file a detail representation before the Managing Director of the Bihar State Sugar Corporation Ltd.

5. Considering the fact that substantial amount on account of retiral dues has been paid to the petitioner as would appear from paragraph nos. 4 and 5 of the 3rd Supplementary Counter Affidavit, the petitioner, if so advised, may file a detailed representation before the the Managing Director of the



Bihar State Sugar Corporation Ltd. along with all the relevant documents in support of his claim that still certain retiral dues remains to be paid and the Managing Director of the Bihar State Sugar Corporation Ltd. is directed to dispose of the representation of the petitioner in accordance with law within a period of six weeks from the date of filing of the representation. He may also consider payment of interest on account of delay payment of the dues payable to the petitioner. All the dues admissible to the petitioner shall be paid within the aforesaid period of six weeks.

6. With the above observation, the present writ petition is disposed of.

(Purnendu Singh, J)

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