

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.465 of 2021

In

Civil Writ Jurisdiction Case No.1967 of 2017

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1. The Bihar State Food and Civil Supply Corporation through its Managing Director, B.S.F.C., Khadya Bhawan, R Block, Patna.
 2. The Managing Director, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, R Block, Patna.
 3. The Chief of Finance, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, R Block, Patna.
 4. The District Manager, Bihar, State Food and Civil Supply Corporation Lakhisarai.

... .. Appellant/s

Versus

1. Ramesh Chandra Sinha, son of Late Kedarnath Sahay, resident of Mohalla Sawatar Near Kali Mandir, P.S. Lakhisarai, District Lakhisarai.
2. The Employee Provident Fund Organization through its Regional Commissioner, Adampur Chowk, Bhagalpur.
3. The Regional Commissioner, Employee Provident Fund Organization, Adampur Chowk, Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Utkarsha Utpal, Advocate
For the Respondent/s	:	Mr. Deepak Sahay Jamuar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-02-2023

In the instant LPA, appellants have assailed the order of the learned Single Judge dated 29.06.2021 passed in CWJC No. 1967 of 2017.

02. Respondent-Ramesh Chandra Sinha while he was

working as Assistant Godown Manager-cum-Paddy Purchase Centre Incharge at Sheikhpura Godown with the appellant-Bihar State Food Corporation Limited (for short 'the Corporation'), retired on attaining the age of superannuation with effect from 30.06.2013.

03. Core issue involved in the present litigation is whether Respondent-Ramesh Chandra Sinha is entitled to retiral benefits or not?

04. The Respondent-Ramesh Chandra Sinha was subjected to two criminal proceedings initiated at the behest of Corporation in Sheikhpura P.S. Case No. 113 of 2015 and Lakhisarai (Kubhi) P.S. Case No. 812 of 2018. However, disciplinary proceedings have not been lodged against the respondent even to this day. In other words, Corporation is waiting for outcome of the criminal proceedings. The appellant-Corporation has not apprised this Court what is the stage of the criminal proceedings. In this backdrop, there is no infirmity in the order of the learned Single Judge in directing the Respondents for submission of necessary papers for the purpose of extending retiral benefits. Appellant-Corporation cannot withhold retiral benefits of the Respondent-Ramesh Chandra Sinha indefinitely, therefore, the appellant-

Corporation have not made out a case.

05. Hence, the present LPA stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2023
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