

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17308 of 2021

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Md. Ozair Alam alias Ozair Alam Son of Late Habibur Rahman, Resident of R.K. Nagar, F.C.I., Road, Phulwarisharif, P.O. and P.S. - Phulwarisharif and District - Patna.

... .. Petitioner/s

Versus

1. The Food Corporation of India through its Chairman - Cum - Managing Director and Ors through the Chairman - Cum - Managing Director, 16-20, Bara Khambha Lane, New Delhi.
2. The Chairman - Cum - Managing Director, Food Corporation of India, Barakhambha Lane, New Delhi.
3. Executive Director (East Zone), Food Corporation of India, 10-A, Middleton Row, Kolkata - 71
4. General Manager, (Region), Food Corporation of India, Regional Office, Arunchal Bhawan, 3rd and 4th floor, Exhibition Road, Patna - 800001
5. Divisional Manager, Food Corporation of India, Patna.
6. Manager (Depot), Food Corporation of India, FSD, Phulwarisharif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.
For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner, counsel for the Respondents and counsel for the F.C.I. through virtual mode.

The present writ application has been filed for directing the respondent to provide the present retiral benefits including gratuity, D.C.R.G., leave Encashment, difference of pay and E.P.F. amount, pension with interest.

Counsel for the petitioner submits that the petitioner was in service of the F.C.I. and during his service a departmental inquiry was initiated against him, in which he was

exonerated on 07.03.2014. Subsequently, the Executive Director reviewed the decision and directed for fresh inquiry. The petitioner challenged the same before CWJC 3325 of 2019, which was allowed on 16.09.2019, in which the action of reviewing authority was not sustainable and order Annexure – 3 dated 04.01.2019 was set aside.

Counsel for the petitioner submits that being aggrieved and satisfied by the decision of CWJC 3325 of 2019, the F.C.I. has preferred L.P.A. no. 1581 of 2019 but the said L.P.A. was dismissed on 11.01.2023 i.e. during pendency of the present writ petition.

Counsel for the petitioner submits that in the light of L.P.A. order, there is no barrier in payment of his entire retiral dues.

Counsel for the F.C.I. seeks time to file the counter affidavit but he agrees that L.P.A. filed by the F.C.I., has been dismissed during the pendency of the present writ petition.

In this view of the matter that this case is filed in the month of September 2021 but no counter affidavit has been filed in this case till date and I am of the view that there is no need to keep this case pending and it is directed to respondent F.C.I. to assure the payment of the petitioner within 6 weeks from today.

If the payment of retiral dues not made within 6 weeks then F.C.I. is directed to pay 9% interest on the payable amount.

With this direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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