

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12669 of 2023

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Kameshwar Paswan Son of Late Binda Paswan, Resident of Village-
Murarchak, P.S.- Shahpur, District- Patna, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The Food Corporation of India through Chief Managing Director, F.C.I. Brakhamba Lane, New Delhi.
2. The Executive Director, Food Corporation of India, East Zone, Kolkata.
3. The General Manager, Food Corporation of India, Exhibition Road, Patna.
4. The Area Manager, Food Corporation of India, Exhibition Road, Patna.
5. The Godown Manager, Food Corporation of India, Exhibition Road, Patna.
6. The Chief Labour Inspector, Food Corporation of India, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Srivastava, Adv.
For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-11-2023

Heard Mr. Raj Kishore Srivastava, learned counsel appearing on behalf of the petitioner and Mr. Prabhakar Tekriwal, learned counsel appearing for the Food Corporation of India (hereinafter referred to as the 'Corporation').

2. The petitioner by filing the present writ petition seeking a direction commanding upon the respondent-Corporation to ensure payment of outstanding retiral dues along with the statutory interest and the monthly pension.

3. A counter affidavit has been filed on behalf of the respondent nos. 1 and 5. A categorical averment has been made



that after superannuation of the petitioner, he has already been allowed the admissible gratuity amounting to Rs. 3,02,164/- on 04.09.2010. Similarly, the petitioner has also been allowed payment of Provident Fund amounting to Rs. 7,04,407/- way back on 20.01.2011 and Earned Leave encashment, amounting to Rs. 23,005/- in the year 2010 itself.

4. It is submitted on behalf of the respondent-Corporation that so far the grievance of the petitioner with regard to the pension is concerned, it is clarified that as per the rules and provisions of Employees' Pension Scheme, 1955, the petitioner was required to submit a duly filled up Form under 10-D along with the supporting documents for processing of pension claim. However, from the records it is manifest that the petitioner has never submitted the said Form nor there is any pleading in this regard in the writ petition.

5. In view of the averments made in the counter affidavit as well as the submissions made on behalf of the Corporation, this Court does not find any substance to pass any positive order in the present writ petition. However, if the petitioner has any supporting document in favour of his claim for pension etc., he has remedy to file an appropriate representation along with the required Form before the



concerned respondent authorities of the Corporation. In case such representation is filed, the respondent authorities would be required to consider and dispose of the same expeditiously.

6. The writ petition stands disposed of with the aforementioned directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2023
Transmission Date	

