

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8802 of 2017

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Agar Mani Devi Wife of late Shiv Jatan Singh R/o Village- Thakurar, P.S.-
Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Dept., Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Government of Bihar, Patna.
4. The Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Aurangabad.
7. The Principal Secretary, Revenue Department, Govt. of Bihar.
8. The Collector, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the B.S.F.C.	:	Mr. Nirmal Kumar, Advocate
		Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 27-04-2023

Heard Mr. Dinu Kumar, learned Counsel appearing on behalf of the petitioner, Mr. Nirmal Kumar, learned Counsel appearing on behalf of the B.S.F.C. and Mr. Arvind Ujjawal, learned SC-4 appearing on behalf of the State.

Re:- I.A. No. 1 of 2023

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner had died during the



pendency of the present writ petition on 05.11.2021 and in this regard heirs of the petitioner have filed a substitution petition bringing on record all the heirs of the deceased employee in paragraph no.1 of the Interlocutory Application No. 1 of 2023.

3. Considering the pleadings made in the Interlocutory Application as well as affidavit. In view of the reasons assigned therein, the name of the petitioner be expunged and all legal heirs as mentioned in paragraph No. 1 of I.A. No. 1 of 2023 be substituted in place of the petitioner.

4. Accordingly, I.A. No. 1 of 2023 is allowed.

Re: CWJC No. 8802 of 2017

5. The original petitioner was appointed as Night Guard, Class-IV at Collectorate Office, Gaya. The original petitioner was deputed in the Corporation at Aurangabad in the year 1975 and the petitioner retired from the said Corporation on 30.11.1997.

6. Learned counsel informs this Court that so far as the service period of the husband of the petitioner (deceased employee) on deputation in Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as the 'Corporation') is concerned, all retiral dues admissible to her husband (deceased employee) has been only paid for the period



he was on deputation in the Corporation. Learned Counsel further informs that petitioner is now only aggrieved for non-payment of post retiral dues relating to the period during which her husband (deceased employee)/ original petitioner had served as a Government Employee.

7. The petitioner is now concerned for all the dues which are admissible to him from the period 23.11.1966 to 31.12.1972 during which he was posted as a Night Guard at Collectorate, Gaya. He further submits that the records reveal that petitioner was appointed as Night Guard and was posted at District Headquarters, Gaya in the year 1966 and in absence of any contrary records available with the State to show that the services which the original petitioner rendered in the Corporation was a fresh appointment, the petitioner cannot be denied the retiral benefit admissible to Class-IV employee of the State Government. It is further informed that similarly situated persons have been given the benefit as government employee in calculating retiral dues.

8. Mr. Arvind Ujjawal, learned Counsel appearing on behalf of the Respondent-State submitted that it is admitted fact that the husband of the petitioner (deceased employee) was appointed as Night Guard and he had served at Collectorate,



Gaya from 23.11.1966 till 31.12.1974 to which the petitioner has also not denied. He submits that no record is available at the Office of Collectorate, Gaya relating to the petitioner (deceased employee) that he was deputed by the State Government in the services of Bihar State Food Supply Corporation. The original petitioner has also not been able to produce any document to that effect in support of his claim in the present writ petition.

9. Considering the rival submission made by the parties and the record of the case, the petitioner, if so advised, may file a detailed representation before the Commissioner, Gaya Division, along with all the relevant documents and all evidence in support of the fact that the similarly situated employees appointed along with the original petitioner (deceased employee) have been given the benefit of all the retiral dues by the State Government and are also getting pension.

10. The Divisional Commissioner, Gaya Division, Gaya is directed to call for all the records from the District Collectorate, Gaya as well as from the Bihar State Food and Civil Supply Corporation, Aurangabad so that he may examine the records relating to the husband of the petitioner (deceased employee) and if he arrives at the fact that the husband of the



petitioner (deceased employee) entitled to be extended the benefit as other employees have been given, who were appointed along with the husband of the petitioner (deceased employee), then similar benefit is required to be given and the petitioner, who is the widow of the deceased employee, her grievance be redressed within a period of six weeks from the date of filing of the representation.

11. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.05.2023
Transmission Date	N/A

