

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4542 of 2022

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Saroj Devi Wife of Late Jai Hind Prasad, Resident of Mohalla-Chirayatand,
Devi Asthan Lane, P.S. Jakkanpur, P.O.-G.P.O., Patna, Distirct-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Food Corporation of India (FCI), through
Managing Director, FCI,16-20 Barakhambha Lane, New Delhi-110001
2. The Executive Director (East), 10A, Middleton Row, Kolkata-700071.
3. The General Manager(R) FCI, RO, Arunachal Bhawan, Exhibition Road,
Patna, Bihar.
4. The Area Manager, FCI, D.O., Arunachal Bhawan, Exhibition Road, Patna,
Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Advocate
For the Respondents : Mr. Rabindra Kumar Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 04-04-2024

Heard Mr. Md. Najmul Hodda, learned counsel for the
petitioner and Mr. Rabindra Kumar Choubey, learned counsel
representing the Respondent Nos.1 to 4.

2. Mr. Md. Najmul Hodda, learned counsel for the
petitioner, had mentioned this matter seeking adjournment for two
weeks at 10.30 A.M., which was initially granted by this Court.
But later on, Mr. Rabindra Kumar Choubey, learned counsel for
the respondents, objected to the adjournment granted on the
ground that the learned counsel for the petitioner had made



mention of this case at 10.30 A.M. seeking adjournment for two weeks without informing him. That is how this matter is taken up for consideration on merit, in view of the objection raised by the learned counsel for the respondents.

3. The petitioner has filed this writ petition for a direction to the respondents for payment of Family Pension and retiral benefit which consists of (i) Group Insurance, (ii) Earned Leave and (iii) Gratuity of the petitioner's late husband Jai Hind Prasad. The petitioner's late husband Jai Hind Prasad was initially appointed as Shed Incharge at Food Storage Depot Mokama, Patna and was dismissed from service vide order dated 14.11.2012 while the petitioner was working as Assistant Godown Incharge A.G.I. (Depot) at FSD Mokama under the F.C.I. The petitioner was dismissed from service along with others vide order dated 14.11.2012 issued by the Executive Director (East), F.C.I. vide No. VIG.4(26)/DPS M(D) 7 ORS/2012/BIHAR. By the aforesaid order dated 14.11.2012, the petitioner was dismissed from service with forfeiture of gratuity and other terminal benefits.

4. Respondent Nos.1 to 4 have filed the counter affidavit.



5. From the record, it appears that the late husband of the petitioner had challenged the order of dismissal dated 14.11.2012 before the Central Government Industrial Tribunal (No.1), Dhanbad by filing Complaint No.4/2013 arising out of Ref. 138/97. On the Complaint No.4/2013 filed by the petitioner's late husband, Central Government Industrial Tribunal (No.1), Dhanbad had passed an award dated 12.08.2013, whereby the dismissal of the petitioner's late husband was held to be illegal and the F.C.I. was directed to treat the petitioner's late husband as workman in continuous service from the date of dismissal of petitioner's late husband. The aforesaid award dated 12.08.2013 passed by the Central Government Industrial Tribunal (No.1), Dhanbad in Complaint No.4/2013 was put to challenge by the F.C.I., the respondents herein, by filing a writ petition before the High Court of Jharkhand, Ranchi vide W.P.(L) No.2037 of 2014, which writ petition was allowed by the Jharkhand High Court vide order dated 06/05.02.2016, whereby the award dated 12.08.2013 was set aside and remanded the matter to the Tribunal for a fresh consideration.

6. The order of the learned Single Judge was put to challenge by the F.C.I., the respondents, by filing L.P.A. No.265/2019 in the Jharkhand High Court which, according to the



learned counsel for the respondents was dismissed as withdrawn on 15.06.2023.

7. The husband of the petitioner in the meanwhile died on 21.11.2017.

8. The status of Complaint No.4/2013 pending before the Central Government Industrial Tribunal (No.1), Dhanbad, however, has not been brought on record by the parties.

9. In the counter affidavit filed by the respondents, it has been stated that so far the family pension of the petitioner's late husband is concerned, it is the Employees Provident Fund Organization, which is the sanctioning authority. The Employees Provident Fund Organization, however, has not been made a party in the instant writ petition.

10. In view of the above factual position, this writ petition shall stand disposed of with a liberty granted to the petitioner to approach the Employees Provident Fund Organization for payment of family pension of the petitioner's late husband and also with an observation that entitlement as regards the other retiral benefits of the petitioner's late husband shall be in accordance with the order that may be passed by the Central Government Industrial Tribunal (No.1), Dhanbad in Complaint No.4/2013 arising out of Ref. 138/97.



11. The writ petition is disposed of with the above observations.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.04.2024
Transmission Date	N.A.

