

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8318 of 2020

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Indra Mohan Prasad Singh Son of Late Vishundev Prasad Singh Resident of
Lohia Nagar, Ward No. 28, P.S. Begusarai Town, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Food House, Daroga Rai Path, Patna-1.
2. The Desk Officer, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1.
3. The District Manager, State Food Corporation, Bhagalpur.
4. The Assistant Account Officer (H.Q.), Sone Bhawan, 5th Floor, Virchand Patel Path, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-01-2024

Heard Mr. Hare Krishna Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Shailendra Kumar
Singh, learned counsel for the Bihar State Food and Civil
Supplies Corporation Ltd. (BSFC).

2. The petitioner, by invoking the prerogative writ
jurisdiction of this Court, has filed the present writ petition for
the following reliefs:

*I. The respondent directed to
pay the entire retrial benefit with interest
to the petitioner. He has been retired from
his service on 31.7.2010.*

*II. The respondents be
directed to release the salary of February
2010, March 2010 and July 2010 with*



interest to the petitioner.

III. The heavy cost may be imposed over the responsible respondents, because, when ever the petitioner sought for aforesaid grievances the respondents threatened him to send behind the bar, but till date no any F.I.R. has been lodged against the petitioner.

IV. The another relief/reliefs may be granted for which the petitioner.

3. A counter affidavit has been filed on behalf of the respondent nos. 2 to 4.

4. Learned counsel for the respondent Corporation by referring to the statements made in the counter affidavit has submitted that though the petitioner was superannuated on 31.07.2010, however, he failed to give charge of 343.36 quintal of rice and 20.31 quintal of sugar, the cost of which was recoverable from him and accordingly, a demand letter was issued way back in the year 2010 vide Letter No. 8260 dated 13.09.2010. He further submits that despite the aforementioned notice, the petitioner chosen not to respond. The total retirement benefits of the petitioner was reported to be Rs. 5,33,524.00/- and the total recoverable amount was assessed as Rs. 7,63,681.44/- + Rs. 2,49,000, which was adjusted and the final recoverable amount reduced to Rs. 4,41,885.56/-. He next submits that the petitioner had also taken an advance amount of Rs. 2,49,000/- on different dates and this amount has also to be adjusted from final retiral



benefit payable to the petitioner with interest. He lastly submits that after calculation of the interest over the due amount, the total recoverable amount comes to Rs. 21,79,853.34/-.

5. At this juncture, learned counsel for the petitioner referring to Annexure-D of the counter affidavit submits that it appears that the petitioner is no more alive, as in this regard the District Manager, Bhagalpur vide its Letter No. 604 dated 18.03.2023 has informed the Deputy General Manager, Administration. He lastly submits that despite his best efforts, he could not contact to his client.

6. Regard being had to the submissions made on behalf of the parties, this Court left with no option, but to dispose of the writ petition, with a liberty to the petitioner or his heirs to proceed, in accordance with law, if not satisfied with the recovery.

7. This disposes the writ petition.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2024.
Transmission Date	NA

