

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9975 of 2012

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Mahendra Kumar Srivastava S/o Late Ram Bachan Lal Permanent Resident
of Vill/P.O.-Bagarahi, P.S.-Ramgarh, Distt-Kaimur

... .. Petitioner/s

Versus

1. The Administrator, Bihar Rajya Malyanil Bhawan, Budha Colony, Patna
2. The Secretary, Bihar State Scheduled Castes Co-operative Development Corporation Limited Malyanil Bhawan, Budha Colony, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-04-2024

Heard Mr. Sanjay Kumar Ghosarvey, learned counsel
for the petitioner and Mr. Ranjeet Kumar Pandey, learned
counsel appearing on behalf of the Bihar State Scheduled Castes
Co-operative Development Corporation Limited.

2. The present writ petition has been filed for the
following reliefs:-

*(i) For setting aside the order dated
17.05.2011 vide letter no. 913 issued by the
respondent contained in Annexure-13
whereby the petitioner has been directed to
deposit the amount of Rs. 50,000/- from the
date of death of Late Babban Choudhry i.e.
12.11.2001 till the payment is made @ 9 %
simple interest per annum.*

*(ii) For setting aside the order dated
17.08.2011 vide letter no. 1511 contained in
Annexure-15 issued under the signature of
respondent whereby the petitioner has been
directed to deposit the amount of Rs.
50,000/- along with interest within 15 days.*

(iii) For setting aside the order dated



30.03.2012 vide letter no. 599 contained in Annexure-16 issued under the signature of respondent whereby the Administrator, Jharkhand State Scheduled Castes Co-operative Development Corporation, Ranchi has been requested to deduct the amount of Rs. 50,000/- along with interest @ 9 % since 12.11.2011 from the salary of petitioner.

(iv) Any other relief or reliefs to which the petitioner is entitled may kindly be given.

3. Learned counsel for the petitioner submits that the petitioner was initially appointed as Executive Officer at the Head Quarter of Bihar State Scheduled Castes Co-operative Development Corporation Limited (hereinafter called as Corporation) in the year 1984 and thereafter transferred various places and after cadre division the petitioner was transferred to Jharkhand State and presently working to the post of Regional Officer in the Head Quarter of Jharkhand State Scheduled Castes Co-operative Development Corporation Limited at Ranchi in the state of Jharkhand.

4. Learned counsel for the petitioner submits that prior to July, 2000 the Corporation was having one Engineering Cell apart from General wing with two divisions known as South Bihar Division having its office at Ranchi and North Bihar Divisions having its office in Patna. He further submits that both the two divisions were looked after the two Executive Engineer.



The corporation was maintaining one account for contributory provident fund for all the employees of General wing as well as for the employees of Engineering Cell. For the purpose of Group Insurance, three different accounts were opened, one for the employees of General wing of the Corporation and two accounts for the employees of the two division of Engineering Cell.

5. Learned counsel for the petitioner submits that due to financial crisis the Engineering Cell of the Corporation was closed on 25.07.2000 by the order of the then Administrator of Corporation vide office order no. 136 dated 25.07.2000 and all the employees working in these two divisions were posted in different district offices of the general wing of the Corporation. Prior to closure of engineering cell, the engineering cell themselves used to deposit the premium of group insurance as well as amount of CPF of its employees in their respective accounts and office.

6. Learned counsel for the petitioner submits that after closure of engineering cell it was the general practice that at the head quarter of Corporation, the premium of the group insurance and the employees contribution towards the CPF were being deposited only after the receipt of the Schedules of



deduction from the salary of the employees from the district offices of the Corporation. The records of two divisions of the engineering cell were handed over to the Regional Officers, Ranchi and Patna for the purpose of safe custody only. He further submits that when the petitioner was posted as Regional Officer, Ranchi at the relevant period made a request to the head quarter at Patna to direct the account office to deposit the deducted amount of employees of engineering cell in their respective accounts by the head quarter since the amount as well as schedules were being sent by the District Office to the head quarter directly for the reason that after the closure of the engineering cell the employees of this cell were posted in different district offices, the Regional Officers were not given any financial or executive powers related to closed engineering cell and the Regional Officers were not aware of the payment of the salaries of such employees as well as deduction schedules were not being communicated to the Regional Officers.

7. It is pertinent to mention here that when the petitioner was posted as Regional Officer at Ranchi, he made a request to the Administrator vide letter no. 106 dated 24.02.2001 to direct the account office to deposit the deducted amount of employees of engineering cell in their respective accounts by



the head quarter since the amount as well as schedules were being sent by the district office to the head quarter. The petitioner has also written letter to the Secretary of the Corporation vide letter no. 164 dated 10.04.2001 saying that he has no information with respect to deposit of the amount of CPF as well as group insurance of the employees of closed engineering cell and after discussion on telephone the petitioner had deputed one employee, namely, Pawan Kumar, Account Assistant of engineering cell to co-operate in getting deposited the deducted amount in their respective accounts. The petitioner being the Regional Officer was not given any monetary power relating to closed engineering cell and therefore, the then Managing Director of the Corporation had given a specific order for payment NSC amount vide letter no . 1037 dated 08.07.2004 on the query made by the petitioner. In the meantime, one Babban Choudhary who was employee of engineering cell was posted at Muzaffarpur to the post of Chowkidar died on 12.11.2001 and the family members of Babban Choudhary could not be given the group insurance amount due to premium not being deposited in time by the Corporation.

8. Learned counsel for the petitioner submits that the petitioner had not received any instruction from the head quarter



to deposit the premium of group insurance of the employees of the engineering cell and the petitioner had not deposited the premium of group insurance. It is because also that the schedule of deduction of premium and CPF from the salary of the employees were directly sent by the District Office to the head quarter and the same was not communicated to the petitioner so he has not deposited the premium of group insurance and thereafter, the an internal inquiry was conducted to ascertain the employees who are responsible in not depositing the amount of premium of group insurance and Mr. R.B. Singh informed the authority concerned that the petitioner was responsible for that. The said R.B. Singh has submitted his report vide letter no. 15 dated 30.08.2010 to the then Managing Director in which he had discussed that since the premium of group insurance amount were sent by the predecessor Mr. Anil Kumar Chourdary to the LIC therefore, this petitioner was held responsible for not remitting the premium of employees of engineering cell as it was paid earlier. Then an explanation was asked by the respondent no. 2 from the petitioner vide letter no. 2278 dated 26.10.2010 in which the petitioner was directed to submit his explanation within a period of two weeks. The petitioner had submitted his explanation on 10.11.2010 in which the petitioner



has categorically stated that the then Director had inquired the matter in this regard and some of the employees of the accounts were found responsible and the amount was also recovered from them. Apart from the inquiry is eye wash only to make the petitioner guilty whereas the material facts were not placed to Mr. R.B Singh not it was asked from the petitioner therefore, the petitioner has denied that he is not responsible for not depositing the premium of group insurance amount of the employees of engineering cell. And he has categorically stated that the petitioner was not given any monetary power relating to employees of engineering cell nor any such order was given to his predecessor. The explanation submitted by the petitioner was not accepted and the recovery of accidental claim of Rs. 50,000/- along with interest of 9% from the date of death of Babban Choudhary i.e. 12.11.2001 and accordingly the petitioner was directed to deposit the amount with interest within 15 days vide letter no. 913 dated 17.05.2011.

9. Learned counsel for the petitioner submits that present impugned order has been passed awaiting for long time in fixing the responsibility after 10 years of the date of death of Babban Choudhary i.e. 12.11.2001 and the present impugned order has been passed on 17.05.2011. The present impugned



order has been filed with totally biased attitude with malafide intention only to save the skin of the concerned authority.

10. Learned counsel for the Corporation submits that one similarly situated employee namely, Sri Allahuddin Ansari connected with the incident and failure to deposit premium in time like the petitioner earlier moved this Hon'ble Court by filing CWJC No. 1533 of 2007 which was heard and dismissed by this Court on 05.09.2007. The said employee has challenged the dismissal of the writ petitioner and filed LPA No. 971 of 2007 challenging the order of the Hon'ble Single Judge which was also dismissed on 27.06.2007 by Division Bench of the Hon'ble Court and it appears that after the dismissal of the writ petition and LPA by a similarly situated employee, the similarly situated responsible employee who failed to deposit the group insurance premium to LIC in time and due to inaction of the petitioner the dependents of the late Babban Choudhary had not received the financial assistance in time. And apart from that the matter was got inquired into by R.B Singh, Assistant Engineer and thereafter, show cause was called for from the petitioner to submitted his explanation after serious efforts made by the Corporation and after due scrutiny of the entire material the impugned order was passed finding him also responsible for his



failure from his responsibility of timely deposit of group insurance premium due to which the dependent of late Babban Choudhary was deprived of full amount from LIC after death.

11. It appears from the aforesaid that the petitioner has not deposited the premium amount of accidental life insurance of the employees of the Corporation and the writ of the similarly situated person who had approached this Hon’ble Court was dismissed and the same was also affirmed in the LPA Bench of this Court. And it is admitted position that the petitioner has not deposited the amount in question on time and he has been made guilty of the charges of not depositing the group insurance premium and deliberately ignored the established procedure to deposit the premium amount of the accidental life insurance of the employees of the Corporation.

12. In view of the above facts and circumstances, this Court finds no merit in the writ petition and the same stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

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