

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2819 of 2023

In
Civil Writ Jurisdiction Case No.209 of 2019

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Vidyanand Das @ Bidhyanand Das Son of Late Mukha Das, Residtn of 462,
Mirchi Talab, Dhobi Tola, Lal Darwaja, P.s. Munger, Distt. Munger.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Limited through Sri Vinay Kumar, Son of not known, the Managing Director, Khadya Bhawan, R. Block, Daroga Prasad Rai Path, Road No. 2, Patna- 800001.
2. Shri Amresh Kumar Amar, Son of not known, the General Manager (Administration), Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, R. Block, Daroga Prasad Rai Path, Road No. 2, Patna- 800001.
3. Sri Rakesh Kumar Ranjan, Son of not known, the Deputy General Manager (Administration), Accounts and Budget, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, R. Block, Daroga Prasad Rai Path, Road No. 2, Patna- 800001.
4. Shri Subhash Kumar, Son of not known, the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Munger, District- Munger.

... .. Opposite Party/s

with

CIVIL REVIEW No. 223 of 2024

In

Miscellaneous Jurisdiction Case No.2819 of 2023

- =====
1. The Bihar State Food and Civil Supplies Corporation Limited through Sri Vinay Kumar, Son of not known, the Managing Director, Khadya Bhawan, R. Block, Daroga Pasad Rai Path, Road No. 2, Patna- 800001.
 2. Shri Amresh Kumar Amar, the General Manager (Administration), Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, R. Block, Daroga Prasad Rai Path, Road No. 2, Patna 800001.
 3. Sri Rakesh Kumar Ranjan, the Deputy General Manager (Administration), Accounts and Budget, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, R. Block, Daroga Prasad Rai Path, Road No. 2, Patna- 800001.
 4. Shri Subhash Kumar, the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Munger, District- Munger.

... .. Petitioner/s

Versus

Vidyanand Das @ Bidhyanand Das Son of Late Mukha Das, Resident of 462,
Mirchi Talab, Dhobi Tola, Lal Darwaja, P.S. Munger, Distt. Munger.

... .. Opposite Party/s

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Appearance :



(In Miscellaneous Jurisdiction Case No. 2819 of 2023)

For the Petitioner/s : Mr.Shweta Anand, Advocate.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, Advocate.

(In CIVIL REVIEW No. 223 of 2024)

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Shweta Anand, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

15 18-02-2026

Re.: M.J.C. No. 2819 of 2023

Heard learned counsel appearing on behalf of the petitioners and the learned counsel for the opposite parties.

2. The petitioner in paragraph no. 1 of the present contempt petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“That this is an application for initiation of contempt proceeding against the opposite parties for their willful and deliberately violation of order dated 22.06.2023 passed by Hon’ble Mr. Justice Purnendu Singh in C.W.J.C. No. 209/2019.”

3. Vide order dated 22.06.2023 passed in C.W.J.C. No. 209 of 2019, this Court, *inter alia*, has passed the following order on the basis of the materials available on record being part of the writ petition and the counter affidavit.

“Heard Ms. Shweta Anand, learned counsel appearing on behalf of the petitioner and Mr. Shailendra Kumar Singh, learned counsel appearing for the State.

2. The retiral dues of the petitioner have been withheld by the Respondent-State (Bihar State Food & Civil Supplies Corporation Ltd., Munger) for the reasons that the service record of the petitioner was not available and also for non-availability of place of retirement either petitioner had retired from Dhanbad office or Munger office.

2. Learned counsel appearing on behalf of the petitioner informs this Court that she has received instruction from the petitioner that the petitioner had retired on 30.06.2014 from S.F.C. office, Munger.

3. Mr. Shailendra Kumar Singh, learned counsel



appearing on behalf of the Bihar State Food & Civil Supplies Corporation Ltd. informs this Court that the authority will make payment of admissible retiral dues including E.P.F. and pension to the petitioner preferably within a period of three weeks.

4. It is made clear that the Managing Director of Bihar State Food & Civil Supplies Corporation Ltd., Patna must ensure that all the retiral dues admissible to the petitioner are paid within time. He is also required to inform the Commissioner of the Employees Provident Fund (E.P.F.) along with the duly filled form including any other form required to be filled in by the petitioner for the purpose of payment within a period of three weeks. All the dues amount payable to the petitioner must be paid within a period of five weeks from the date of this order.

5. The Managing Director must ensure that the forms, which are required to be filled in by the petitioner, must be handed over to the petitioner within a period of two weeks from the date of this order so that the respondents can take steps for making payment of all the retiral dues as claimed.

6. In case the Managing Director fails to abide by this order in the manner as prescribed within a period of five weeks, the petitioner is at liberty to take appropriate action against the Managing Director in case of non-compliance of order within time prescribed.

6. Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the Bihar State Food & Civil Supplies Corporation Ltd. must not wait for pronouncement of this order, he must communicate telephonically or by any other mode to the Managing Director of Bihar State Food & Civil Supplies Corporation Ltd, Patna.

7. With the above direction/observation, the present writ petition is disposed of.

4. It is clear in Paragraph No.4 of the order dated 22.06.2023 passed in C.W.J.C. No. 209 of 2019 that the Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Patna was directed to ensure that all the retiral dues admissible to the petitioner be paid within time. He was also directed to inform the Commissioner of the Employees Provident Fund (E.P.F.) along with the duly filled form and other form required to be filled in by the petitioner for the



purpose of payment in respect of admissible retiral dues within a period of three weeks. It is pointed out that in the writ petition, the Regional Provident Fund Commissioner, Employees Provident Fund, Regional Office was not impleaded as a respondent.

5. Show cause has been filed on behalf of the Bihar State Food & Civil Supplies Corporation (hereinafter referred to as “BSFC”), as well as, on behalf of the Regional Commissioner, Employees Provident Fund, Regional Office, Bhagalpur.

6. Record reveals that the petitioner was dismissed from service on 20.02.1991. Against the dismissal order, petitioner has filed C.W.J.C. No. 6997 of 2011 which was dismissed vide order dated 29.04.2011 on merits though the petitioner had not appeared at the time of hearing of the case. The order dated 29.04.2011 passed in C.W.J.C. No. 6997 of 2011 has been brought on record by way of Annexure R/3 to the show cause filed on behalf of the BSFC. This Court vide order dated 29.04.2011, *inter alia*, had passed following orders considering the objection raised by the stamp reporter and the pleadings made in the writ petition”

“The stamp reporter has pointed out the defect that the writ petition seems to be not maintainable as order dated 4.11.2010 appears to be final order which is also under challenge.



When the matter was called out on 21.4.2011 no one appeared for the petitioner. Again when the matter is called out today none has appeared on behalf of the petitioner.

The petitioner has challenged the order of dismissal from service dated 20.2.1991 passed by the Chairman-cum-Managing Director of the Bihar State Food & Civil Supplies Corporation and further seeks quashing of the order dated 4.11.2010 passed by the Additional Munsif, Vth Munger, in Title Suit No. 70 of 1995, by which the suit filed for declaration that the order of dismissal from service is illegal, inoperative and without jurisdiction, has been dismissed. It is pointed out by the stamp reporter that the order dated 4.11.2010 being a final order passed in a title suit is not amenable to the writ jurisdiction of this Court and thus the writ petition is not maintainable.

Against an order of dismissal passed in title suit, which amounts to a decree, statutory remedy is provided under the Code of Civil Procedure. In the above circumstances, the writ application cannot be maintained before this Court.

The writ application is, accordingly, dismissed as not maintainable."

7. Against the show cause filed, the petitioner filed his reply on 26.07.2024 and in his reply has stated that the petitioner was dismissed from service in the year 1991 and thereafter the petitioner was reinstated in service on 02.06.1994 and he superannuated on 30.06.2014. Statement in respect of reinstatement is contained in Para-10 of the reply to the show cause, however, the petitioner in support of the same has not brought on record even a chit of paper. Those information admittedly were not given in C.W.J.C. No. 209 of 2019 nor the said information finds reference in the order dated 22.06.2023 under contempt.

8. As per the information contained in show cause filed by the respective parties, the petitioner has been paid as on



date all the retiral dues admissible to him till the date of his dismissal and the EPF amount payable to him till February 1991.

9. Jurisdiction of this Court under Article 215 of the Constitution and the Contempt of Courts Act, 1971 is limited. A person shall not be guilty of contempt of court for any action of the Opposite Party in respect of which any relief has been granted on the merits of the case on considering the materials brought on record, which has been heard and finally decided.

10. The petitioner, if so desires, may avail appropriate remedy in accordance with law.

11. The contempt petition, accordingly, stands consigned.

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12. Considering the fact that petitioner has not been able to make out a case to interfere with my order dated 29.04.2011 passed in C.W.J.C. No. 6997 of 2011, I do not find the present review is required to be adjudicated, is also dismissed.

(Purnendu Singh, J)

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