

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3216 of 2014

In

Civil Writ Jurisdiction Case No. 10328 of 2013

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Bijendra Kumar Pandey, son of Late Badri Narayan Pandey, resident of village-Sahora, P.S. Gaurichak, District Patna.

.... Petitioner/s

Versus

1. Dr. Sunil Kumar Singh, son of not known, Chairman, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
2. R. P. Singh, son of not known, Managing Director, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
3. Sanjiv Lochan Mishra, son of not known, Chief Accounts cum Financial Controller, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abu Haider, Adv.

For the Respondent/s : Mr. Ishwari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 04-02-2015 Heard learned counsel for the petitioner as well as learned counsel appearing for the BISCOMAUN.

Admittedly, almost all the retiral dues of the petitioner except salary have already been paid.

The grievance of the petitioner is that dues salary is not being paid in chronological manner and this court while passing order dated 03.04.2014 in CWJC No. 10328 of 2013 had granted liberty to the petitioner to file contempt proceeding against the BISCOMAUN, if the mode of chronological manner is violated.

Learned counsel appearing for the petitioner drew my



attention towards this fact that a co-ordinate bench of this court directed the BISCOMAUN to make payment of entire retiral dues including salary to a retired employee of the BISCOMAUN and the order of learned Single Judge was challenged in LPA No. 462 of 2013 and the order of learned Single Judge was confirmed by a Division Bench of this court vide order dated 18.06.2014 passed in above stated LPA No. 462 of 2013 and, therefore, it is obvious that BISCOMAUN has violated the order of this court. He also drew my attention towards Annexure-4 to the supplementary affidavit which shows that a co-ordinate bench of this court gave direction to the BISCOMAUN to make entire payment of its employee.

Learned counsel appearing for the BISCOMAUN refutes the above stated submissions and points out that in LPA No. 778 of 2007 a Division Bench of this court gave liberty to BISCOMAUN to make payments to its employee in chronological manner and subsequently, the division bench of this court passed similar order in different writ petitions. It is further contended by him that the petitioner could not succeed to show as to how the order of this court has been violated.

Admittedly, almost all the retiral dues of the petitioner have already been paid and so far as payment of dues

salary is concerned, the stand of the BISCOMAUN is that the dues salary is being paid to the employee in chronological manner. There is nothing on the record to show that the BISCOMAUN has violated the above stated chronological order in making payment of dues of salary to its employee and, therefore, I am of the opinion that this contempt petition does not have any merit.

Accordingly, this contempt petition stands dismissed.

(Hemant Kumar Srivastava, J)

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