

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.501 of 2015

=====

Amarnath Sharma S/o Late Ram Krit Sharma Resident of Village Tetra,
P.O. Mairwa, District Siwan, at present R/o Village Pachrukhi, P.O. + P.S.
Pachrukhi, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through D.M., Siwan.
2. The Industrial Corporation, Private Ltd., at Bihar Distrillary, Pachrukhi,
P.O. AND P.S. Pachrukhi, District Siwan.
3. The then M.D. namely Sri Viran Pandey, M.D. of Bihar Distillery, at
Bihar Distillery, Pachrukhi, P.O. and P.S. Pachrukhi, District Siwan.
4. The General Manager, Bihar Distillery, Pachrukhi, P.O. Pachrukhi,
District Siwan.
5. The Director Bihar Distillery, Pachrukhi, P.O. Pachrukhi, District
Siwan.
6. The Zonal Manager, Central Bank of India, Jaiprakash Chowk, Siwan,
P.O. Siwan, District Siwan, Pin-841228.
7. The Regional Manager, Central Bank of India Jai Prakash Chowk,
Siwan, P.O. Siwan, District Siwan, Pin - 841228.
8. The Branch Manager, Central Bank of India, Siwan, District Siwan, Pin
- 841228.
9. The Debt Recovery Tribunal Patna through its recovery Officer at its
office at Boring Canal Road, Patna, P.O. G.P.O., District Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Md. Najmul Bari, Adv.

For the Respondent/s : Mr. Sheo Shankar Pd., SC10

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is an employee of Industrial Corporation Private Limited and was working in Bihar Distillery, an unit of Industrial Corporation, his grievance in this writ application, relating to a direction to the respondent Corporation to make payment of salary for the work done by the petitioner, is obviously both misconceived and ill-

advised, inasmuch as, the aforesaid Industrial Corporation Private Limited is not a State within the meaning of Article 12 to the Constitution of India. Accordingly, the submission made by the learned counsel for the petitioner that now the Central Bank of India is going to the Debt Recovery Tribunal for recovery of the amount of liability from the Industrial Corporation and is also planning to take action for sale of the property, in question, of the Corporation, in no view of the matter will change either the relationship of the petitioner because the Bank has yet not taken-over the undertaking so as to acquire the role of an employer much less to make liability of payment of salary of the Industrial Corporation. In fact it appears that the Bank is only trying to recover its own dues from the Corporation and, therefore, it definitely is not expected to increase its liability by also making payment of salary of the employees of the Corporation.

Thus, this writ application is wholly misconceived and is, accordingly, dismissed.

Nothing said in this order, however, will come in the way of the petitioner if he sues Corporation for realization of the salary before any other appropriate forum/court.

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--