

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1548 of 2015

=====

Bhagiriti Sharma @ Bhagiriti Lohar son of late Lakhraj Lohar, resident of Village- Allapur, P.O. and P.S.- Pachrukhi , District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the D.M. Siwan.
2. The Industrial Corporation Private Ltd. at Bihar Distillery, Pachrukhi, District- Siwan through its M.D.,namely Sri Viran Pandey.
3. The then M.D. namely Sri Viran Pandey., M.D. of Bihar Distillery, Pachrukhi, P.O. & P.S. Pachrukhi, District - Siwan.
4. The General Manager ,Bihar Distillery, Pachrukhi, P.O. & P.S. Pachrukhi, District - Siwan.
5. The Director Bihar Distillery, Pachrukhi, P.O. Pachrukhi, District- Siwan.
6. The Zonal Manager , Central Bank of India, Jaiprakash Chowck, Siwan, P.O. Siwan, District- Siwan.
7. The Regional Manager, Central Bank of India, Jai Prakash Chowck, Siwan, P.O. Siwan, District- Siwan.
8. The Branch Manager, Central Bank of India, Siwan, District- Siwan.
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 Bank : Mr. Ajay Kumar Sinha, Adv

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 26-02-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner claims to be an employee of distillery namely, the Industrial Corporation Private Ltd., at Bihar Distillery, Pachrukhi and is aggrieved on account of non payment of his salary for the work done by him, remedy for him against respondent no. 2, private body, can be only by way of



civil suit or under the provision of Shop and Establishment Act, if the distillery comes within the meaning of establishment. In any event, no direction can be given to the respondent no. 2, a private body which is not 'State' within the meaning of Article-12 of the Constitution of India, because no writ would lie against such private body. Rest of the submission of the learned counsel for the petitioner that since the Central Bank of India has taken over the assets of respondent no. 2, private corporation for realization of the loan taken by the respondent no. 2 from the aforesaid Bank, in my considered opinion, again will not make the Bank liable to make payment of salary so as to allow the petitioner to maintain this writ application against the action of the Bank.

As a matter of fact, the petitioner when he had moved before the Debt Recovery Tribunal where the Bank is pursuing the matter against respondent no. 2, the Tribunal also had found such dispute to be not capable

of being raised before it as the payment of salary of the petitioner by the Private Distillery could not have been made subject matter of adjudication before the Debt Recovery Tribunal. Such order of the Debt Recovery Tribunal could have been assailed only before the appellate tribunal as per the remedy provided in the Debt Recovery Act.

Be that as it may, this Court will not find any reason to entertain this writ application, which is out and out against a private body.

In the result, this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--