

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3691 of 2013

In
LPA 794 of 2010

- =====
1. Banshidhar Choudhary Son of Late Gayanchand Choudhary Resident of Village Turkaulia, P.O. - Rajandih, Via - Rajpur, P.S. - Nasriganj, District - Rohtas
 2. Baban Tiwary Son of Late Deovansh Tiwary Resident of Village - Tiwaridih, P.O. - Belva, P.S. - Sasaram, District - Rohtas
 3. Afzal Hussain Son of Late Serajuddin Hussain Resident of Mohalla - Dandai Phutkal Toli, Idgah Mohalla - P.O. - Somalia Rantu, P.S. - Rantu, District - Ranchi
 4. Raja Ram Singh Son of Late Jhapsi Singh Resident of Village - Btarhi Tola, P.O. - Bihia, P.S. - Bihia, And District - Bhojpur
 5. Lallu Prasad Singh Son of Late Rajkeshwar Singh Resident of Village - Barki Mohli, P.S. - Kargahar And District - Rohtas

.... Petitioners

Versus

1. Devniti Prasad Singh Son of not known Secretary, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna
2. O.K. Anil Son of not known Managing Director , Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna
3. Dr. Sunil Kumar Singh Son of not known Chairman, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna
4. Haridayal Chaudhary Son of Late Dukh Haran Chaudhary Chief of Accounts, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Advocate
For the BISCOMAUN : Mr. Ishwari Singh, Advocate
For the State : Mr. Yogendra Kr.Singh, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE AMARESH KUMAR LAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

8 29-07-2015 Heard learned counsel for the petitioners and learned
counsel for the BISCOMAUN.

The petitioners allege violation of the order dated



22.4.2011 passed by this Court by the opposite parties of BISCOMAUN. By the said order this Court while disposing the appeal filed by BISCOMAUN held that the respondent and similarly situated employees shall be entitled to the benefit of superannuation on completion of 60 years age with all consequential benefits.

It is not in dispute so far as retiral age part is concerned that BISCOMAUN has accepted the same. The grievance of the petitioners is that consequential salary dues, etc. have not been paid by BISCOMAUN.

The stand of opposite parties is that payments are being made in chronological order. It is the allegation of the petitioners that chronological order is not being maintained and in many cases employees, who have retired much later, have been paid the salaries but the same benefit is not extended to the petitioners.

Learned counsel for BISCOMAUN submits that no out of turn payment has been made except on account of the orders passed by this Court and there is no specific instance otherwise, and the chronological order which has been approved by Division Benches of this Court is being followed.

Learned counsel for the petitioners submits that several Benches of this Court have taken a contrary view.

In our view, considering the facts and circumstances, if BISCOMAUN does not have resources for payment then they may follow the chronological order which is a just and fair way of making payments to employees and retired employees.

Thus, according to us, there has been no violation of the order dated 22.4.2011 under contempt.

The contempt application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Amaresh Kumar Lal, J)

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