

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1764 of 2014

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1. Haribansh Choudhary S/O Late Babu Lal Choudhary Resident of Village - Kheich, P.O. - Bakhtiyarpur, District - Patna
 2. Chandra Bhushan Pandit Son of Late Charan Pandit Resident of Mohalla - Vikash Colony, Road No. 3, P.O. - Mahendru, District - Patna
 3. Ram Chandra Sharma Son of Late Jamuna Singh Resident of Village - Post Kamta, P.S. - Sheikhpura, District - Sheikhpura
 4. Anjani Kumar Singh Son of Banke Bihari Singh Resident of Mohalla - Birla Colony, P.S. - Phulwarisharif, House No. - B 130, District - Patna
 5. Chandrakanti Devi W/O Late Madan Prasad Mishra Resident of Village - Sahbajpur, P.O. - Bisanpura, P.S. Sadisopur, District - Patna
 6. Sachindra Mohan Singh Son of Late Sarjug Singh Resident of Village + P.O. - Maldah, P.S. - Barbigaha, District - Sheikhpura
 7. Devendra Prasad Sharma Son of Late Rameshwar Sharma Resident of Village + P.O. - Pandarak, District Patna
 8. Siyasharan Singh Son of Late Ramlakhan Singh Resident of Village - Nadsena, P.O. - Sahbajpur Sarai, P.S. - Sitamarhi, District - Nawada
 9. Nand Kumar Mishra Son of Late Ishwari Mishra Resident of Village - Raghopur, P.O. - Kumar Bajitpur, P.S. - Patepur, District - Vaishali
 10. Jagdish Choudhary Son of Late Tanuk Lal Choudhary Resident of Village + P.O. - Sinuara, P.S. - Bahadurpur, District - Darbhanga
 11. Rajendra Prasad Singh Son of Late Vakil Singh Resident of Village - Jamalpur, P.O. + P.S. - Athmalgola, District - Patna
 12. Bindeshwar Singh Son of Ram Awatar Singh Resident of Village - Jamalpur, P.O. + P.S. - Athmalgola, District - Patna
 13. Ganesh Prasad Son of Late Jai Govind Prasad Resident of Mohalla - North Anandpuri, Geeta Nilmaya - 170/14, P.S. - Boring Road, District - Patna
 14. Madan Prasad Sharma Son of Late Bahadur Singh Resident of Village - Harbanshpur, P.S. - Masaurhi, District - Patna
 15. Sashikanta Devi Wife of Braj Raj Sharma Resident of Village + P.O. Sagerpur, P.S. Makhdumpur, District - Jahanabad
 16. Chandrashekhar Singh Son of Late Suraj Singh Resident of Mohalla - Mangal Path, Mithanpura, P.O. - Ramna, District - Patna
 17. Bhuvneshwar Prasad Singh Son of Late Jiya Prasad Singh Resident of Village - Righra Patti, Bhya - Ramana, District - Muzaffarpur
 18. Kumar Chandra Prakash Son of Late Sarandher Singh Resident of B-12, Housing Colony, Kankarbag, Lohiya Nagar, P.S. - Kankarbag, District - Patna
 19. Syed Nazir Hasan S/O Late Syed Saghir Hasan Village - Satjora, P.O. - Satjora, through Maharajganj, District - Siwan, at present resident of Emarat Tazeen, Flat No. F-8, Near Chitkohra Market P.O. - Anisabad, District And Town - Patna

..... Petitioner/s

Versus

1. The State of Bihar through Secretary Co-Operative Department, Government Of Bihar, Patna
2. The Chairman Bihar State Co-Operative Marketing Union Employees Provident Fund Trustee Committee- Cum- Managing Director, Bihar State

Co-Operative Marketing Union Ltd. West Gandhi Maidan, Patna
3. Board of Trustee, Bihar State Co-Operative Marketing Union Ltd.
Employees Provident Fund through its Chairman Biscomaun Bhawan,
Patna
4. Regional Provident Fund Commissioner, 'Bhavishya Nidhi Bhawan' 'R'
Block , Road No. 6, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the Respondent/s : Mr. Nawal Kishore Singh, S.C.2
For the Provident Fund : Mr. R.S. Pradhan, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 12-08-2015 The petitioners in substance seek a direction to the Managing Director, Bihar State Co-operative Marketing Union Ltd. (hereinafter referred to as 'the BISCOMAUN') to refund the deducted amount of provident fund recovered from their respective salaries against pending loans.

The petitioners though rely upon an order of this Court passed in C.W.J.C. No. 4951 of 2011 to question the decision of the Managing Director dated 25.3.2010 placed at Annexure-1 to the writ petition but in view of the law laid down by the Special Bench of this Court in the decision reported in **2014 (1) PLJR 695 (The Organizer, Dehri C.D. & C.M. Union Ltd. Vs. The State of Bihar & Ors.)**, no writ would lie against the cooperative society and even though Mr. R.S. Pradhan representing the Employees Provident Fund Commissioner while criticizing the action so taken by the Managing Director, BISCOMAUN has

submitted that a show cause notice has also been issued to the Managing Director by the Department as to why exemption so granted to them be not cancelled but yet considering the nature of relief so prayed, this Court can only dispose of the writ petition reserving liberty to the petitioners to take recourse to such other remedy for redressal of their grievance as may be available to them in law.

(Jyoti Saran, J)

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