

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.124 of 2016

IN

C. REV. 21033 of 2014

- =====
1. The Bihar State Beverage Corporation Ltd. through its Managing Director, Vidut Bhawan, Bailey Road, Patna
 2. The Managing Director, Bihar State Beverage Corporation Ltd. Vidut Bhawan, Bailey Road, Patna
 3. The General Manager, (H.R. & Adm.) Bihar State Beverage Corporation Ltd. Vidut Bhawan, Bailey Road, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Excise, Government of Bihar, Patna
4. The Chairman Public Enterprises Bureau, Government of Bihar, Patna
5. The Principal Secretary, Department of Industries Government of Bihar, Patna
6. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
7. The Principal Secretary, Department of Cane, Government of Bihar, Patna
-Respondent 1set/respondents 1set/opposite parties
8. Amrendra Kumar Singh Son of Late Raghubir Singh Resident of Mohalla - Ashok Nagar, ward No-15, P.O - Koshi College, District - Khagaria.
9. Habul Baitha Son of Late Manager Baitha Resident of Village + P.O - Maraurha, District - Saran.
10. Pramod Kumar Son of Late Bharat Prasad Resident of Village + P.O + P.S - Maner, District Patna.
11. Pramod Baitha Son of Sri Kanchan Baitha Resident of at P.O + P.S - Ram Nagar, District - West Champaran.
12. Raja Ram Sahau Son of Sri Kashi Sahu Resident of Village + P.O - Shivrao, P.S- Bahera, District - Darbhanga.
13. Mani Bhushan Prasad Singh Son of Late Shiv Shankar Prasad Sinha Resident of Village + P.O - Manganpur, Via-Garaul, District - Vaishali.
14. Madan Kishore Pandey Son of Late Ram Shankar Pandey Resident of Mohalla - Bichchak Naya Tola, P.O- Anishabad, District - Patna.
15. Md. Enamul Haque Son of Md. Sadraul Hussain Resident of Village - Nurullahapur, P.O Daulatpur Via- Roseraghat, P.S - Kudawandpur, District - Begusarai.
16. Vijay Kumar Rai Son of Late Yugeshwar Rai Resident of Vilalge Dhamani, P.O Vidyapati Nagar, P.S- Dalsinghsarai, District - Samastipur.
17. Amrendra Kumar Yadav Son of Late Ram Sevak Yadav Resident of at P.O + P.S Banmankhi, District - Purnea.

..Petitioners/Respondents 2nd Set/Opposite parties

18. The Bihar State Sugar Corporation Ltd. through its Managing Director, Arunalay Ramjaipal Nagar, Bailey Road Patna,.

19. The Managing Director, Bihar State Sugar Corporation Ltd. Arunalay Ramjaipar Nagar, Bailey Road, Patna.

.... Respondents 3rd Set/Respondent 3rd Set/Opposite parties

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Adv.

For the Respondent/s : Mr. Rakesh Narayan Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2016

Heard learned counsel for the parties.

This application has been filed for review of the judgment and order dated 9.4.2015 passed by a Bench of this Court presided by Hon'ble Mr. Justice Mihir Kumar Jha (as his Lordships then was) in a matter arising from C.W.J.C.No.21033 of 2014 whereby the Bench after taking note of the contesting stand of the parties, was pleased to dispose of the writ petition with the following directions:

“(i) The petitioners shall, alike any other contractual employee of the Beverage Corporation, continue on the same or equivalent post and on the same pay till they reach their age of superannuation. This of-course will be subject to a rider that if the Beverage Corporation itself does not need the service of the petitioners for want of work, the services of the petitioners could also been terminated but only after following the principle of "last come first go" basis on the date of arrival of the employees from different organizations in the Beverage Corporation.

(ii) The Provident Fund contribution of the petitioners henceforth shall be directly deposited in the account of the competent authority of the E.P.F. and for that purpose, the previous balance of the P.F. Account of the petitioners with the Sugar Corporation shall stand transferred in the name of the E.P.F. authorities. If the amount of the deducted amount of Provident Fund of the petitioner is already being deposited directly by the authorities of the Beverage Corporation in the account of E.P.F. authorities, the same system will continue till the petitioners continue to remain in service in Beverage Corporation.

(iii) The amount of leave encashment for the period they had and/or would render service to the Corporation shall be paid to them alike any other employee of the Corporation but, then, the Beverage Corporation will not be in any manner

become liable to pay any amount of leave encashment for the earlier period till they had worked in the Sugar Corporation.

(iv) The Beverage Corporation will not be liable for any sort of claim of the petitioners that they may have in relation to their service conditions against the Bihar State Sugar Corporation.

(v) It goes without saying that now when the petitioners are to become contractual employees alike others working on deputation in the Beverage Corporation on the aforesaid stipulated terms and conditions, their disciplinary control shall also lie with the competent authority of the Beverage Corporation.”

This application has been filed for review of the directions so passed by the bench inter alia on grounds of inability of the Corporation to bear the liability.

I have heard learned counsel for the parties and I have perused the records and what I find is, that the directions present at paragraph 11 of the judgment under review is based upon the submissions made by the counsel for the Corporation themselves. There nothing in the order which runs counter to the submissions taken note of in the judgment and order under review even if they may not be to the liking to the Corporation. However the remedy in such circumstances would lie before a different forum and not by way of a review petition.

Illustratively, whereas the direction present at paragraph 11(i) is in tune with the submission made by learned counsel for the Corporation taken note of in paragraph 6 of the judgment, the directions present at paragraph 11(ii)(iii) is in tune with the submissions taken note of in paragraphs 7 and 8 of the judgment.

As already observed, the judgment and order under review is upon taking note of the rival contentions and thus whatever may be the apprehensions being faced by the Corporation, the remedy would not lie in a review application.

The review petition is accordingly dismissed leaving it open for the Corporation, if so advised, to pursue the lawful remedy so available to them under law.

Bibhash/-

(Jyoti Saran, J)

AFR	
CAV DATE	
Uploading Date	26.11.16
Transmission Date	