

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2442 of 2011

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RAMAWTAR PD. MANDAL SON OF LATE JAHURI PRASAD
MANDAL RESIDENT OF VILLAGE + POST FARRAH, VIA
MAHESHKHUT, P.S. CHAUTHAM, DISTRICT-KHAGARIA.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR REPRESENTED THROUGH SRI LALLU SINGH THE PRINCIPAL SECRETARY CUM COMMISSIONER, DEPARTMENT OF CO-OPERATIVE, GOVERNMENT OF BIHAR, PATNA.
2. MR. ANIRUDHA SINGH, THE MANAGING DIRECTING, BIHAR CO-OPERATIVE MARKETING UNION (BISCOMAUN), PATNA.
3. MR. ANIRUDHA SINGH, THE ADMINISTRATOR, BISCOMAUN, PATNA.
4. MR. JATA SHANKAR JHA, THE FINANCE CONTROLLER, DEPARTMENT OF ACCOUNTS, BISCOMAUN, PATNA.
5. MR. SHIV LOCHAN SINGH, THE ACCOUNTS OFFICER, DEPARTMENT OF ACCOUNTS, BISCOMAUN, PATNA.
6. MR. ABDUL WAHID, THE REGIONAL JUTE MARKETING OFFICER, BISCOMAUN, GULABBAGH, PURNEA.
7. MR. DEEPAK KUMAR TUNDA, THE ASSISTANT PROVIDENT FUND COMMISSIONER (PENSION), SUB-REGIONAL OFFICER, GOVERNMENT OF INDIA, BHAGALPUR.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s	:	Mr. Sanjay Kumar Sinha, Adv. Mr. Pankaj Kumar, Adv.
For BISCOMAUN	:	Mr. Partha Sarthy, Adv.
For State	:	Mr. Deepak Kumar, AC to G.A.10

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

9 23-06-2016 Heard learned counsel for the petitioner as well as

learned counsel representing the BISCOMAUN.

Supplementary show-cause has been filed on behalf
of BISCOMAUN disclosing the fact that just now Rs.2,70,566/-
has been paid to the petitioner in lieu of salary dues, Rs.85,113/-
against 70% of EPF and further, during course of aforesaid event,
advance having been taken by the petitioner at an earlier occasion

to a tune of Rs.50,000/- has also been adjusted.

It has also been submitted on behalf of BISCOMAUN that on account of financial crunch admittedly BISCOMAUN failed to pay the retrial dues, salary to its staff and on account thereof, bunch of CWJC came up before this Hon'ble Court whereupon several LPA have also been at the end of BISCOMAUN. Lastly vide LPA No.412 of 2002, LPA No.778 of 2007, MJC No.3691 of 2013, it has been directed that a list be prepared year wise and payment be accordingly made which has been prepared and the petitioner's status happens to be at serial no.1013, and as, BISCOMAUN is expected to clear the dues in chronological manner, which is being properly followed hence this MJC be dropped.

The learned counsel for the petitioner has submitted that at least BISCOMAUN should disclose the expected time whereunder the remaining dues would be paid. Contrary to it, it has been submitted on behalf of BISCOMAUN that it is difficult to identify the expected time as the same depends upon so many factors including availability of fund which it is expected to collect from different source. It has also been submitted that for the present the BISCOMAUN is contesting for recovery of Rs.11,86,72,604/- with State Food Corporation under CWJC No.14530 of 2015, while demanded Rs.179/- crore from state to

compensate loss which BISCOMAUN suffered during course of super session. In case such payment is made, then in that event, all the dues will be paid in shortest span of time.

For the present, it looks worthless to keep the file alive and is being disposed of with a finding that BISCOMAUN is expected to clear the dues within one year and six month from today. In case there happens to be slackness at the part of BISCOMAUN in getting the order complied with, then in that event petitioner will be at liberty to re-agitate the matter, including by way of MJC.

(Aditya Kumar Trivedi, J.)

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