

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2637 of 2015

IN

Civil Writ Jurisdiction Case No. 838 of 2009

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1. Arbind Kumar Verma Son of Sri Ramji Lal Verma, resident of 3A, Chaturbhuj Complex, West Boring Canal Road, Patna, presently posted as Assistant Manager (Ac counts), Bihar State Credit and Investment Corporation Limited, 4 th Floor, Indirfaa Bhawan, RC Path, Patna

.... Petitioner/s

Versus

1. The State of Bihar through R. Tripurari Sharan Principal Secretary Department of Industries Govt. of Bihar Secretary, Patna.
2. The Board of Directors, BICICO, 4th Floor, Indira Bhawan, Ram Charitra Singh Path through mr Ravindra Prasad, Managing Director.
3. Mr. Ravindra Prasad, Managing Director, Bihar State Credit and Investment corporation Limited (BICICO), 4th Floor, Indira Bhawan, Ram Charitra Singh Path, P.O. - G.P.O. , P.S. - Srikrishnapuri, Town & District -Patna.
4. Mr. Mahfooj Ansari, General Manager, I/C Manager Administration, Bihar State Credit and Investment Corporation Limited (BICICO), 4th Floor, Indira Bhawan, Ram Charitra Singh Path, P.O. - G.P.O., P.S. - Srikrishnapuri, Town & District - Patna.
5. Mr. Mahfooj Ansari, General Manager, I/c Deputy Manager Administration, Bihar State Credit and Investment Corporation Limited (BICICO), 4th Floor, Indira Bhawan, Ram Charitra Singh Path, P.O. - G.P.O., P.S. - Srikrishnapuri, Town & District -Patna.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Jha

For the Respondent/s : Mr. Nirmal Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-04-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

This Court by order dated 17.12.2014 has disposed of
C.W.J.C. No. 838 of 2009, the operative portion of which reads as
follows :-

“The employer has to decide
entitlement of back wages on a proper consideration.
The principle of back wages has been considered by
the Hon’ble Supreme Court in the case of Deepali

Gundu Serwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and others, (2013) 10 SCC, 324. There guide lines have been given for consideration as to in what circumstances and to what extent the benefit of back wages may be given. In such view of the matter to the extent to grant the pay on the principle of no work no pay is set aside and the matter is remanded back to the Corporation to decide the entitlement of petitioner’s pay from 3.12.2002 to 18.02.2003.”

The Managing Director of the respondent Corporation considered the representation of the petitioner and has refused to grant relief in terms of Deepali Gundu Serwase (Supra) giving his own reason.

In view of the reasoned order passed by the Managing Director, this Court is not inclined to proceed further in the matter and the matter of contempt is closed.

If so advised, the petitioner may take legal recourse to challenge the order dated 24.09.2015 passed by the Managing Director of the Corporation.

With this observation, this contempt application is dismissed.

(Shivaji Pandey, J)

Amin/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.04.2016
Transmission Date	