

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.219 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 18187 of 2011**

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Nayan Kumar, S/O Lalan Prasad Sharma, resident of Village - Abgil, P.S. - Korma,
District - Sheikhpura.

.... Petitioner- -Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Registrar, Department of Cooperative Societies, Government of Bihar,
Patna.
4. The Chairman, Bihar Co - Operative Federation Limited, Budh Marg, Patna.
5. The Secretary, Department of Co - Operative Federation Limited, Budh Marg,
Patna.
6. The Managing Director, Co - Operative Federation Limited, Budh Marg, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Pramod Kumar, advocate
Mr. V. K. Mukul, Advocate

For the Respondents : Mr. Prashant Kumar, A.C. to G.P.8

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-06-2016

The order dated 10th of November, 2014 passed by the learned Single Bench of this Court is subject matter of challenge in the present Letters Patent Appeal. Vide the order under appeal, the learned Single Judge has directed that the retrial benefits payable to the mother of the appellant shall be paid in order of seniority as the respondent- Bihar Co-Operative Federation Limited, Budh Marg, Patna is in

financial distress.

We do not find any error in the order passed by the learned Single Bench of this Court. The appellant cannot be given priority for payment of dues when there are other similarly situated persons waiting for their respective payments. If the Co-operative Society is unable to make payment, it is open to the appellant to take recourse to the provisions of the winding up of the Co-operative Society in terms of the provisions of Bihar Co-operative Societies Act, 1935.

With the aforesaid observation, the appeal stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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