

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12590 of 2013

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1. Bimal Kumar Pandey Son Of Late Maithili Sharan Pandey Resident Of Mohalla
- Daulatganj, Bhagwan Bazar, District - Saran Pin - 841301

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary Government Of Bihar, Patna
2. The Secretary Co - Operative Department Govt. Of Bihar, Patna
3. The Secretary Finance Department, Govt. Of Bihar, Patna
4. The Registrar, Co - Operative Society, Deptt. Of Co - Operative, Govt. Of Bihar, Patna
5. The Managing Director, The Bihar State Co - Operative Bank Ltd. Ashok Rajpath Patna
6. The Managing Director, Chapra District Central Co - Operative Bank Ltd. Chapra (Saran)
7. The District Magistrate Cum Administrator Chapra District Central Co - Operative Ltd. Chapra (Saran)
8. The District Co - Operative Officer, Chapra District Central Co - Operative Bank Ltd., Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate.
For the State : Mr. Ajay Bihar Sinha, GA.8
Mr. Suryakant Kumar, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-12-2016

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

Primarily question has been raised for giving relief arising
out of the award passed by the Labour Court in Reference Case
No. 16 of 1992 including the order passed in Misc. Case No.1 of
1998 filed under Section 33©(2) of the Industries Dispute Act.
In that proceeding amount of Rs.3,12,805/- was commutated. As



the amount was not being paid to the petitioner, he approached this Court for release of the aforesaid amount. It is not first time the petitioner is approaching. Earlier he has approached but for different relief.

In the present case limited grievance has been raised for giving monetary benefit arising out of the order passed by the Labour Court in Misc. Case.

During pendency of this case admittedly the petitioner has been paid the said amount. In such view of the matter, petitioner has received the benefit of the award passed by the Labour Court.

Learned counsel for the petitioner submits that petitioner has wrongly been treated as temporary employee, not a regular employee. Question does not arise in the present proceeding as after order of liquidation of the establishment, all employees either permanent, temporary or daily wagers will be treated to have been terminated save and except certain employees kept by the Official Liquidator for discharging essential services. Admittedly, service of the petitioner has not been taken by the Official Liquidator to discharge the essential service and as such the claim of the petitioner that he has wrongly been treated as daily wager employee does not arise. If in future any event takes



place the petitioner will at liberty to act in accordance with law.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

