

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.2328 of 1997**

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Dr. Gyandhar Singh, son of Late R.B. Singh, resident of Quarter No. 4/B Street 18  
Sector 10 Post Office Cevic Centre Police Station Bhilai District Durg, Madhya  
Pradesh at Present posted as Additional General Manager (R & D) Bhilai  
Refractories Plant Bhilai.

.... .... Petitioner/s

Versus

1. Shri Umesh Kumar Sinha, and Sri Gangadhar Pd. Singh Financial Managing  
Director, Bihar State Pharmaceuticals and Chemical Development Corporation,  
Maurya Lok Complex 'A' Block 5<sup>th</sup> Floor, Patna- 800001
2. Shri T. Nand Kumar Industrial Development Commissioner, Govt. of Bihar,  
New Secretariat, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate  
Mr. Rakesh Kumar Sharma, Advocate

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**ORAL JUDGMENT**

**Date: 02-03-2017**

The present Contempt Petition has been filed alleging  
non-compliance of the order passed by this Court on 29<sup>th</sup> of  
November, 1996 in C.W.J.C. No. 5017 of 1996.

The grievance of the petitioner is that he has not been  
paid salary for the period he was in service of the respondent



Corporation. Admittedly, he has resigned the services of the Corporation and joined Bhilai Refractories Plant, Bhilai.

Earlier, a winding up petition was filed against the respondent Corporation which was allowed on 26<sup>th</sup> of July, 2007 but such order was set aside in Company Appeal 7 of 2009 on 28<sup>th</sup> of January, 2010 and the matter remitted back to the Company Judge. It is thereafter, when Company Petition No. 13 of 1999 was taken up by the learned Single Bench, the same has been dismissed for non-prosecution on 25<sup>th</sup> of November, 2011.

The issue as to whether the State Government is liable to pay salary and allowances including retiral benefits of the State Government undertakings has been examined by a Division Bench of this Court in L.P.A. No. 1940 of 2015 (Bihar State Ardh Sarkari Arajpati Karamchari Maha Sangh & Ors. Vs. The State of Bihar & Ors.) decided on 8<sup>th</sup> of February, 2017 wherein, it has been held that Boards and Corporations are separate juristic entity and the State Government is not liable to pay salary and other allowances of the employees of the Corporation.

In view of the above, I do not find that the present Contempt Petition survives. It is open to the petitioner to seek such other remedy as may be available to him for recovery of his dues in accordance with law.



The Contempt Petition stands disposed of accordingly.

**(Hemant Gupta, ACJ)**

P.K.P.

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