

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Miscellaneous Jurisdiction Case No.5719 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 7417 of 2008**

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Ashok Kumar Ram, S/o Late Moti Lal, Resident of Village & P.O. Kalyanpur, P.S. Bihiya, At Arrah, Night Guard, C.C.A. Depo BISCOMAUN, Buxar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Atul Prasad, The Commissioner-Cum-Secretary, Co-Operative Department, Govt. of Bihar, Patna.
3. Shtrughan Kumar, Managing Director, Bihar State Co-Operative Marketing Union Ltd. Patna, Biscauman Bhawan, Patna.
4. Rameshwar Singh, The Commissioner-Cum-Secretary, Finance Department, Govt. of Bihar, Patna.
5. Shio Shankar Lal, Finance Controller, B.S. Co-Operative Marketing Union Ltd., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Saran, Advocate
Mr. D.S. Vidyarthi, Advocate
For the BISCOMAUN : Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 12-07-2017

Inter alia contending that certain directions issued on 16.10.2012 in C.W.J.C. No. 7417 of 2008 has not been complied with, this application has been filed for initiating action for contempt. Matter pertains to settlement of the claims of the petitioner who was working with BISCOMAUN which has gone under liquidation and is under the process of winding up.

2. From the facts that have come on record, it is clear that the Corporation in question has been under liquidation and



various claims of the employees with regard to the settlement has been considered by this Court in series of writ petitions and Letters Patent Appeals filed, and in a seriatim manner on the basis of availability of fund, the respondents were directed to settle the claim of the employees chronologically based on a financial strategy to be adopted. As far as the present petitioner is concerned, it is seen that based on his entitlement and in the serial number of claimants various claims of the petitioner as detailed in Paragraph 7 pertaining to payment of Group Insurance Scheme and other benefits have been settled. Certain other amounts are also now required to be settled and it is stated that the same would be settled in the chronology in which it is being done. It is also indicated that action has been taken for payment of unpaid wages as decided by the Board of Directors to the extent of 50 per cent and the remaining is being arranged.

3. Taking note of the financial constraint of the Corporation and the manner in which they are settling the claim of the employees based on the directions issued by this Court from time to time, it is not a fit case where action for contempt can be initiated now merely because the entire claim has not been settled. The petitioner is granted liberty to take action as is permissible under law for settlement of his claim but on the grounds canvassed, this Court does not deem it appropriate to take action for contempt against the



respondents and in view of the compliance reported till date, no further action is required to be taken into the matter.

4. The contempt application stands accordingly disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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