

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

**Miscellaneous Jurisdiction Case No.891 of 1999**

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Mahendra Prasad Singh, son of Late Fauzdari Singh, resident of Village- Simari Bigha, P.S. Warisaliganj, District- Nawadah, at present Store Clerk Bihar State Sugar Corporation Ltd., Unit Warisaliganj, District- Nawadah.

.... .... Petitioner/s

Versus

1. Sri R.L.P.Sinha, the Managing Director, Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Punaichak, Patna
2. Bihar State Sugar Corporation Ltd., through its Managing Director, Ram Tahal Bhawan, Punaichak, Patna
3. Sri Harihar Prasad Singh, the General Manager, Bihar State Sugar Corporation Ltd., Unit- Warisaliganj, District- Nawadah.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s :

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date: 22-02-2017**

The grievance of the petitioner is non-payment of salary by Bihar State Sugar Corporation Ltd.

In the supplementary show-cause filed, the stand of the Corporation is that the Corporation is not in a position to pay arrears of salary to its employees much less post retiral benefits.

In view of the show-cause filed, I do not find that there is any disobedience to the orders passed by this Court. It may be noticed that the question of liability of the State to pay the arrears of salary and retiral benefits to the employees of the Boards and Corporations established by the State was 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 and ors.)  
decided on 8<sup>th</sup> of February, 2017. It has been held as under:

“25. The resume of the precedents on the issue of the liability of the State Government to pay salary and allowances of the employees of the Boards, Corporations and the Companies of which State is a shareholder and are State within the meaning of Article 12, that there is unanimity that the State Government is not liable to pay salary and allowances as they are separate juristic entity. Therefore, neither in law, as the companies are separate and distinct juristic entity than the State Government, the State cannot be directed to pay salary and wages of the employees of such juristic entity.”

In view of the above, the Contempt Petition stands disposed of with liberty to the petitioners to take recourse to such other remedy as may be considered appropriate.

**(Hemant Gupta, ACJ)**

P.K.P.

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