

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2141 of 2014 Arising out of Civil Writ Jurisdiction Case No. 5916 of 2007

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1. Ashwani Kumar Singh, son of Late Baikunth Pd. Singh, resident of Village-Singari, P.O. Bhagwatpur, P.S. and District- Muzaffarpur at present posted as Bisco-Jute, Kasba, Purnea as Grader
 2. Tarachandra Das, son of Late Manmath Das, Resident of Village P.O. and Distt. Araria, P.S. and District Araria, at present posted as Bisco-Jute, Bihariganj (Madhepura) as Weightman.
 3. Kalanand Yadav, son of Late Potyee Yadav, R/o- Village- Basantipur Raika Tola, P.S. and P.O. Araria Court and District- Araria at present posted at Bisco-Jute, Araria Court as Weighman.
 4. Pankaj Kumar Jha, son of Late Parmanand Jha, R/o- Village- Dayalpin, P.S. Bihpur, and Distt Bhagalpur, at present posted at Bisco-Jute, Forbesganj (Araria) as Grader.
 5. Nirmal Kumar Sahay, son of Sri Jaleshwari Pd. Sahay, R/o- Village and P.O. Mahtaba Bazar, P.S. Bhargama and Distt- Araria, at present posted at Bisco-Jute, Kasba, Purnea as Assistant Depot Manager.
 6. Jaidav Kumar Singh, son of Late Bodh Narayan Singh R/o- Village and P.O. Madhuban, P.S. Udakishunganj and Distt- Madhepura, at present posted at Bisco-Jute Bihariganj (Madhepura) as Welmoth.
 7. Md. Azam Rad @ Md. Azam Rao, S/o- Md. Moazzam Siddique, R/o- Mohalla-Madhubani, P.S. KI. Hat, Distt- Purnea at present posted at E.D. Office, Bisco-Jute Gulabbagh, Purnea as Assistant Depot Manager.
 8. Triveni Singh, son of Late Bindeshwari Singh, R/o- Village and P.O. Madhubani, P.S. Udakishanganj and Distt- Madhepura at present posted at E.D. Office, Bisco-Jute, Gulabbagh, Purnea as Watch man.
 9. Rameshwar Prasad, son of Surmiran Sah, R/o- Village and P.O. Devkuli, P.S. Barhanpur an Distt- Buxar, at present posted at Bisco-Jute, Triveniganj Supaul as Purchaser
 10. Suresh Prasad Gupta, S/o- Late Taraknath Gupta R/o- Village- P.O. and P.S. Araria R.S. and Distt. Araria, at present posted at Bisco-Jute, Raghopur, Supaul as Grader
 11. Mahesh Prasad Singh, son of Late Harihar Pd. Singh, Resident of Village and P.O. Khutha Paschhimidih, P.S. Barahia and Distt Lakhisarai at present posted at Bisco-Jute Bhariganj, Madhepura as Grader (Centre Incharge)
 12. Abdul Wahid, son of Late Anaruddin, Pradhan, R/o- Village and P.O. mathurapur, P.S. Anandpur and Distt- Katihar, at presently posted at Bisco-Jute Gulabbagh, Purnea as Regional Jute Marketing Officer.
 13. Diwakar Pandey, son of Late Janardan Pandey, R/o- Village and P.O. Bihari Bigha, P.S. Barh (R.S.) Distt- Patna, at present posted at Bisco-Jute, Gulabbagh, Purnea as Purchaser
 14. Tarkeshwar Prasad Verma, son of Late Janardan Pd. Verma, Resident of Village- Pachkathia, P.S. and P.O. Shahkund and Distt- Bhagalpur, at present posted at E.D. Office, Bisco-Jute, Gulabbagh, Purnea as Purchaser
 15. Md. Irfan, son of Md. Jamaluddin, R/o- Village- Kasba, P.S. Balia, P.O. Lakhminia and Distt- Begusarai, at present posted at Bisco-Jute, Kishanganj as Asstt. Depot Manager
 16. Sanjay Kumar Sinha, son of Gauri Shankar Prasad Singh, R/o- Mohalla- Shashi



Nagar, P.O. Madhubani, P.S. K Hat and Distt. Purnea at present posted at Bisco-Jute Kishanganj as Grader

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Ashok Kumar Sinha, The Chief Secretary, Bihar, Patna
2. Sunil Kumar Singh, son of not known Chairman, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna
3. J.J.Alam, son of not known, Managing Director, Bihar State Co-operative Marketing Union Ltd. Biscomaun, Patna
4. Haridayal Chaudhary, son of Late Dhukh Haran Chaudhary, The Chief of Accounts, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abu Haider, Advocate

For the Respondent/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 19-07-2017

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 petitioners who were 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 petitioners are concerned, it is seen that based on their entitlement and in the serial number of claimants various claims of the petitioners as detailed in Paragraph 4 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 petitioners are granted liberty to take action as is permissible under law for settlement of their 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.
Uploading Date	24.07.2017
Transmission Date	

