

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1885 of 2010

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1. Ashok Kumar Sinha, son of Late Shyam Bihari Sharma, Resident of 3/83 Biscomaun Colony, P.S. Alamganj, District Patna
 2. Surendra Prasad Chaudhary, son of Late Ram Chandra Chaudhary, Resident of Mohalla Moghalpura Jaggi Ka Chauraha, P.S. Khajekalan, District Patna
 3. Md. Aqueel Ashraf, son of Late Abdul Wakeel, Resident of Mohalla Lalbagh, P.S. Peerbahore, District Patna
 4. Srichand Prasad Sinha, son of Late Guru Sahay Mahto, Resident of Mohalla Saidpur, P.S. Kadam Kuan, District Patna.

.... Petitioner/s

Versus

State of Bihar through Sri R.K. Khandwal Secretary, Co-operative Department,
Govt. of Bihar, Patna & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MD. Anisur Rahman, Advocate

For the Respondent/s : Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 02-08-2017

Inter alia contending that certain directions issued by the learned Writ Court in the matter of reinstatement and granting benefit to the petitioners in an order passed on 17.9.2009 in C.W.J.C. No.14312 of 2008 has not been complied with, this application has been filed for initiating action for contempt.

Petitioners, who were working in the Bihar State Cooperative and Marketing Union (BISCOMAUN), on attaining the age of 58 years they were retired. The writ petition was filed claiming that they are entitled to work up to the age of 60 years. The writ petition was allowed and it was held that the petitioners be permitted to work till they attain the age of 60 years and even if they



have retired they will be deemed to have retired on attaining the age of 60 years.

Inter alia contending that the benefits in accordance to the aforesaid judgment have not been granted, this application for initiating action for contempt. From the compliance reported by the respondents and the documents, Annexure A series, it is seen that petitioner Ashok Kumar Sinha has been paid a sum of Rs.13,39,353/- towards Provident Fund dues, Group Insurance, Gratuity, Leave Salary, Ad hoc Payment, Advance Salary and Ad hoc Salary. Similarly, petitioner Surendra Prasad Chaudhary has been paid a sum of Rs.13,08,574/-, petitioner Md. Aquil Ashraf, a sum of Rs.6,33,354/- and petitioner Shrichand Prasad Sinha, a sum of Rs.12,98,473/- and it is further indicated in the application that looking to the poor financial status of the Cooperative Society and based on various orders passed by this Court from time to time, a scheme for settlement of the claims of salary has been chalked out and as per the scheme approved, in the liquidation proceeding, various employees have been paid. It is accordingly stated that no further action is required to be taken and inviting my attention to an order passed by this Court on 12.7.2017, disposing of the similar contempt application, prayer made is that the application be now disposed of.



Even though petitioners raise a claim and submit that the claim has not been completely settled, it is seen that on account of various litigations, the Society in question has been liquidated and pending liquidation, settlement of claim is being done in a phased manner. All these factors were considered by this Court on 12.7.2012 when another contempt application, M.J.C. No.5719 of 2013 was disposed of and taking note of the financial crisis of the Society, this Court granted liberty to the employees therein to take action as may be permissible under law for settlement of their remaining dues and the Society was directed to settle the claim of the petitioner based on the directions issued by this Court from time to time with regard to payment of unsettled claim of the employees.

Keeping in view the aforesaid facts, this application is disposed of as no case for proceeding any further in the matter is made out.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.8.2017
Transmission Date	N/A

