

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1926 of 2017

Abdul Wahid, Son of Late Anaruddin Pradhan, Resident of Village - Sajjad Colony, Near Rizwan Masjid, K. Hat, P.O. Purnea, P.S. K. Hat and District Purnea

... .. Petitioner/s

Versus

1. Bihar State Cooperative Marketing Union Ltd., through its Chairman, Biscomaun Bhawan, Patna
2. Chairman, Bihar State Co - operative Marketing Union Ltd., Biscomaun Bhawan, Patna
3. Managing Director, Bihar State Co - operative Marketing Union Ltd., Biscomaun Bhawan, Patna
4. Chief of Accounts, Bihar State Co - operative Marketing Union Ltd., Biscomaun Bhawan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar
For the Respondent/s : Mr. Ishwari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-11-2018 Heard learned counsels for the petitioner and the Bihar State Co-operative Marketing Union Limited, Patna (commonly known as ‘ the BISCOMAUN’).

The present writ application has been filed for a direction to the respondent authorities for payment of retiral benefits and arrears of salary. The relief prayed for, as stipulated in paragraph no.1 of the writ application, reads as under :-

“1. That, this writ application is being filed for issuance of an appropriate writ and/or direction upon the respondents to pay the retirement benefits like the amount, due towards provident fund, Gratuity of seventeen months as the petitioner had worked over 34 years of his service as well as fixed



the pension of Rs. 5000/- per month instead of Rs. 2033/- security money and leave encashment, arrears of salaries along with Vth and VIth pay revision and dearness allowance and its arrears as also give two promotional benefits which were due during service period alternatively twenty percent of pay from the year, 1998 on the post of Range Officer, Biscomaun and from 2003 till retirement on the post of Regional Jute Marketing officer/Senior Range Officer, Biscocmaun, Purnea as well as other higher post like law officer (Incharge) as also on the post of shortage officer at Head Office, Biscomaun, Patna respectively vide memo no. G/034 dt. 5.6.2012 besides other dues with interest @ 18% thereof, or any other relief or reliefs which the petitioner is entitled.”

Learned counsel for the petitioner confines his prayer only to the extent of disposal of the writ application in terms of the order dated 12.05.2016, passed in CWJC No. 9190 of 2014 (Harindra Choudhary Vs. the State of Bihar and Others), the relevant portion of the said order reads as under:-

“On an application being filed by the petitioner with regard to his claims since he is retire of 2008, the same will be considered and the settlement will be made within a reasonable time frame keeping in mind the chronological order, which is maintained.

Writ stands disposed of.”

Learned counsel appearing on behalf of the BISCOMAUN has no objection for disposal of the writ



application on the aforesaid terms.

Without expressing any opinion with regard to maintainability of the writ application against BISCOAUN, in view of the judgment of Special Bench passed in the case of the Organizer Dehri C.D. and C.M. Union Limited Vs. the State of Bihar and Ors. Reported in 2014(1) PLJR 695, which is under challenge before the Hon'ble Supreme Court, being S.L.P. No. 13717 of 2014, wherein the judgment of Special Bench has been stayed. Hence, the writ application stands disposed of in terms of the order aforementioned.

(Dinesh Kumar Singh, J)

Amrendra/-

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