

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20573 of 2016

=====

Most. Shakuntala Devi, Wife of Late Hari Nandan Prasad Singh, Resident of village- Masnadpur, P.O.- Shahjahanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Registrar, Cooperative Department, New Secretariate, Vikash Bhawan, Patna-1. null
2. Bihar State Cooperative Marketing Union through its Managing Director, Biscomaun Bhawan, West Gandhi Maidan, Patna.
3. The Managing Director, Bihar State Cooperative Marketing Union, Biscomaun Bhawan, West Gandhi Maidan, Patna.
4. The Financial Controller, Bihar State Cooperative Marketing Union, Biscomaun Bhawan, West Gandhi Maidan, Patna.
5. The Chief Executive Officer, Bihar State Cooperative Marketing Union, Biscomaun Bhawan, West Gandhi Maidan, Patna.
6. The Assistant Commissioner, Provident Fund Office, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Adv. Mrs. Smita Pd. Adv.
For BISCOMAUN	:	Mr. Rakesh Kumar Jha, Adv.
For the State	:	Mr. Sanjay Kumar, AC to GA 13.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-11-2018

Heard Mr. Niranjana Kumar, learned counsel for the petitioner, Mr. Rakesh Kumar Jha, learned counsel for the BISCOMAUN and Mr. Sanjay Kumar, learned AC to GA 13 for the Respondent-State.

Though, the present writ application was registered on 23.12.2016, but till date no counter affidavit has been filed, hence, in view of nature of order this Court intends to pass, this Court is not inclined to adjourn the matter.



The present writ application has been filed basically for payment of arrears of salary and other retiral dues. The relief prayed for, as stipulated in paragraph no.1 of the writ application, reads as follows:-

“That this writ application is being preferred on behalf of the petitioners for the following reliefs:-

(i) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondent authorities following:-

(a) Arrears of salary from 1996 which is unpaid.

(b) The proper pension, provident fund, gratuity and other retiral dues pending.

(c) Interest on the aforesaid amount as admissible.

(ii) For issuance of any other appropriate writ or direction which your lordships may deem fit and proper in the facts and circumstances of the case.”

The factual matrix of the case is that the husband of the petitioner, namely, Hari Nandan Prasad Singh was appointed as a Casual Assistant Depot Manager on daily wages by the Bihar State Cooperative Marketing Union (hereinafter referred to BISCOMAUN’) and subsequently vide letter dated 13.07.1984, issued under the signature of Special Officer (Estb.), BISCOMAUN, as contained in Annexure-1, he was absorbed on regular pay scale with effect from 01.01.1984. The Husband of the petitioner died in harness on 16.03.2006, leaving behind his wife,



i.e., the present petitioner and two sons, namely Surya Mani Kumar and Prem Anand and one daughter, namely Dolly Kumari. After death of husband, the petitioner submitted a representation before the concerned authority on 23.03.2006 and 18.08.2006, as contained in Annexure-4(series), for payment of arrears of salary and other retiral dues, but the same has not been paid till date.

Learned counsel for the petitioner, however, prays for disposal of the present writ application in terms of the order dated 17.11.2017, passed in C.W.J.C. No. 14074 of 2016, whereby BISCOMAUN admitted to make payment of retiral dues in chronological order. The relevant portion of the order reads as follows:-

“All payments have been made. The only due is the arrears of salary which is being paid in chronological order.

In view of the same, writ is disposed off with an observation that no sooner the turn of the petitioner comes he shall be paid his salary of the period due.”

Mr. Rakesh Kumar Jha, learned counsel for the BISCOMAUN submits that all the dues will be paid to the petitioner in chronological order.

Considering the confined prayer of learned counsel for the petitioner, it is expected from the BISCOMAUN to make payment of arrears of salary and other retiral dues to the petitioner in chronological order when his turn comes.



Accordingly, with the above observations and directions,
the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.12.2018
Transmission Date	

