

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.618 of 2017

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Surendra Layak, Son of Late Kagzi Layak, resident of village - Hizla Road,
Dangalpara, Dumka, P.S. and P.O. Dumka and District - Jharkhand

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.
For the Respondent/s : Mr. R. K. Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2018 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 its arrears to the petitioner. 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
toward provident fund, gratuity,



security money and leave encashment along with arrears of salaries with dearness allowance and arrears of interim reliefs along with VIth and VIIth pay revision as well as due time promotion and its benefits besides other dues with interest @ 18 % thereof.”

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), which 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 on disposal of the writ application on the aforesaid terms.

Without expressing any opinion with regard to maintainability of the writ application against BISCOMAUN, 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 in S.L.P. No. 13717 of 2014 before the Hon’ble Supreme Court and the judgment of the Special Bench



has been stayed, the writ application stands disposed of in terms of
the order aforementioned.

(Dinesh Kumar Singh, J)

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