

+IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9499 of 2018

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1. Anil Kumar Sinha Son of late Kedar Lal Resident of Village Asni, P.S. Magadh University, (Bodh Gaya), District- Gaya, Presently Resides at Mohalla- Baitarni (East Road), P.O.- Chand Chaura, P.S. Vishnu Pad, District- Gaya.
 2. Gyan Prakash Sandhwar Son of late Bhuneshwar Prasad Sandhwar Resident of Ward No. 3, Bajitpur Road, Station Bazar Barh, P.O. & P.S. Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Registrar, Co-operative Department, New Secretariat, Bihar, Patna.
2. Regional Provident Fund Commissioner-I, R. Block Bihar, Patna.
3. The Bihar State Co-operative Marketing Union Limited, through its Managing Director, Gandhi Maidan, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Respondent/s : Mr. Sushil Kumar- Gp22

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioners, learned counsel for the State, learned counsel for the respondent no. 2, Regional Provident Fund Commissioner and learned counsel for the Bihar State Co-operative Marketing Union Ltd. (hereinafter referred to as the BISCOMAUN).

Petitioner No. 1 seeks payment of retiral dues of its Employees Provident Fund, Gratuity, Leave Encashment, Group Insurance and salary from November 1996 to 09.07.2005, 11.11.2009 to 13.11.2009 and 24.02.2015 to 28.02.2015. Petitioner No. 2, seeks payment of E.P.F. as well as the gratuity,



Leave Encashment, Group Insurance, Gratuity and payment of salary for the period 1997 to 2001 and 24.09.2014 and 15.03.2015. Petitioner no. 1 retired from the post of Assistant Depot Manager on 28.02.2015 and petitioner no. 2 retired from the post of Night Guard on 31.12.2017 from the office of the respondent no. 3, BISCOMAUN.

Learned counsel for the BISCOMAUN submits that the writ application is not maintainable as special Bench of this Court in the case of the Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar (Special Bench) reported in 2014 (1) PLJR 695 has held that the writ application under Article 226 of the Constitution of India is not maintainable at the first instance against the BISCOMAUN.

However, considering the prayer of the petitioners, this writ application is disposed of in terms of the order passed in C.W.J.C. No. 54 of 2018 dated 26.11.2018 following the order dated 12.05.2016 passed in C.W.J.C. No. 9190 of 2014 (Harindra Chaudhary Vs. State of Bihar & Ors. which read as follows:-

“On an application being filed by the petitioner with regard to his claims he is retiree 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 maintainable.

Writ stands disposed of.”

Without expressing any opinion with regard to maintainability with the writ application against BISCOMAUN in view of the judgment reported in the case of the Organizer, Dehri C.D. & C.M. (Supra), the writ petition is disposed of in terms of the aforesaid order.

(Nilu Agrawal, J)

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