

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.663 of 2017

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Baban Ram, Son of Late Swaroo Prasad, resident of village- Aradian, P.S. Tarari, P.O.- Gaharuan and District- Bhojpur.

... .. Petitioner/s

Versus

1. Bihar State Cooperative Marketing Union Ltd. through its Chairman, Biscomaun Bhawan, Patna.
2. The Chairman, Bihar State Co-operative Marketing union Ltd. Biscomaun Bhawan, Patna.
3. The 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.
5. Incharge, Paddy Procurement Centre, Biscomaun Hasan Bazar, Bhojpur.

... .. 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 petition is being filed for issuance of an appropriate writ, and/or direction, commanding the respondents to release the retirement benefits like the amount due towards gratuity as well as arrears of salaries as due from October, 1996



till retirement i.e. 31.07.2011 with dearness allowance, arrears of interim reliefs along with Vth and VIth pay revision as well as due time bound promotion and its benefits besides other dues with interest @ 18 % thereon.”

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, against which S.L.P. is pending before the Hon’ble Supreme Court, being



S.L.P. No. 13717 of 2014 and the judgment of 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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