

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16370 of 2016

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Yadunath Prasad, Son of Late Mohan Sah, Resident of Village- Lakhan Sarai 'Tej Singh', P.O.- Pratap Tand, Police Station- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar, through the Chief Secretary, Old Secretariat, Patna, Bihar.
3. The Secretary, Department of Water Resources cum Chairman, Bihar State Construction Corporation Limited, Patna.
4. Bihar State Construction Corporation Limited through its Managing Director and its Head Quarter at Khwaja Imli, Anisabad, Patna.
5. The Managing Director, Bihar State Construction Corporation Limited, Office at Khwaja Imli, Anisabad, Patna.
6. The Secretary, Administration, Bihar State Construction Corporation Limited, Office at Khwaja Imli, Anisabad, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the State : Mr. Harish Kuamr, G.P. 8
For the Corporation : Mr. Harshvardhan and
Mr. Shiv Sundaram, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioner; State and the Bihar State Construction Corporation Limited (hereinafter referred to as the 'Corporation').

2. At the very outset, learned counsel for the Corporation submitted that the Corporation is undergoing liquidation before the National Company Law Tribunal, Kolkata (hereinafter referred to as the 'Tribunal').

3. Learned counsel has also produced copy of order dated 31.01.2018 passed in C.W.J.C. No. 17815 of 2016, in the case of



Laxman Ram vs. The State of Bihar & Ors., by which the writ petition has been disposed off with liberty to the petitioner to intervene/file an appropriate petition before the Tribunal.

4. In view of the aforesaid, the present dispute relating to payment of retiral benefits of the petitioner being a liability on the Corporation, has to be adjudicated by the Tribunal in the winding up proceeding.

5. Accordingly, the writ petition stands disposed off with liberty to the petitioner to intervene/file an appropriate petition before the Tribunal in the winding up case of the Corporation in respect of the grievance raised in the writ petition.

(Ahsanuddin Amanullah, J.)

P. Kumar

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