

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7676 of 2017

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Ramadhar Roy, Son of Late Faujdar Roy, Resident of Village-Harpur, P.S.-
Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Co-Operative Deptt.
Patna
2. The Biscomaun (Bihar State Co-operative marketing Union Limited, Patna)
through Managing Director, Biscomaun Bhawan, West Gandhi Maidan,
P.S.-Gandhi Maidan, District-Patna, Patna.
3. The Chairman, Biscomaun Bhawan, Gandhi Maidan, Patna.
4. The Administrator, Biscomaun, Biscomaun Bhawan, West Gandhi Maidan,
Patna.
5. The Special Officer (Administration) Biscomaun, P.S.-Gandhi Maidan,
District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1
For the Respondent/s : Mr. Uday Shankar Sharan Singh- Gp19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard Mr. Randhir Kumar No.1, learned counsels

for the petitioner and Mr. Vikash Kumar, 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 arrears of salary. The relief prayed for, as stipulated
in paragraph no.1 of the writ application, reads as under :-

“1. That this is an application is for
issuance of an appropriate writ in the nature of
mandamus and any other appropriate



writs/direction/directions and order or orders commanding the respondents to make payment of unutilised Earned leave encashment of 300 days and also part payment of P.F. due from 1995 to 1998 of the petitioner who has retired as Fitter-cum-Welder on 31.10.2011 with statutory interest.”

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), the relevant portion of the said order 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 for 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 before the Hon’ble Supreme Court, being S.L.P. No. 13717 of 2014, wherein the judgment of Special Bench has been stayed, the writ application stands disposed of in terms of the order aforementioned.

(Dinesh Kumar Singh, J)

Amrendra/-

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