

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7641 of 2002

ANIL KUMAR SINHA son of Shree Kalanand Bahadur Sinha, resident of House No. L/95 Housing Colony, Anugrahpuri, Gaya, P.S. Rampur, District-Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Secretary, Department of Cooperative, Bihar, Patna
3. The Administrator, Bihar State Cooperative Marketing Union, Head Office, Near Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. NAND KISHORE PD. SINHA, Advocate
For the State	:	Mr. Fakhruddin Ali Ahmad, AC to AAG12
For the Biscomaun	:	Mr. Rakesh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 22-02-2018

This writ petition under Article 226 of the Constitution of India has been filed for a direction to Respondents to make payment of salary to the petitioner since October 1995 till date and payment of bonus and arrears of Rs.5000/- with interest and also for revision of pay scale of Assistant Godown Manager with all consequential arrears with interest and also for grant of benefit of time bound promotion which is due since 1987.

Petitioner was appointed as Assistant Depot Manager, BISCOAUN, and joined at Bodh Gaya on 7.7.1977.



He was transferred to C.C.A. Depot Motipur Fertilizer Depot as Depot Incharge and also Incharge of Godown of BISCOMAUN at Muzaffarpur. Petitioner was transferred on the post of Incharge Assistant Manager of Buffer Godown Muzaffarpur. The services of the petitioner was terminated by Administrator on 2.11.1988 against which petitioner filed C.W.J.C. No. 330 of 1989 and same was allowed and termination was set aside and his joining was accepted on 30.3.1991 and was thereafter performing his duty regularly. The Administrator suspended petitioner by order dated 15.6.1992 against which petitioner filed C.W.J.C. No. 5967 of 1992. Departmental proceeding was initiated against petitioner on 1.9.1992 and the writ petition was disposed of to conclude the departmental proceeding within a period of six months. The suspension of petitioner was revoked on 18.10.1995 and petitioner filed an application on 11.2.2002 for payment of his salary with effect from October 1995 and also to revise his salary. During pendency of the writ petition petitioner retired from his service. It has been argued by the parties that since petitioner has retired from service, this writ petition may be disposed of in terms of the order passed by the Division Bench in M.J.C. No. 3691 of 2013 in LPA no. 794 of 2010.



Accordingly, the present writ petition is disposed of with a clear direction/observation to the Respondents, BISCOMAUN, that direction given by the Division Bench and modality of payment which has been directed therein shall also govern the claim of petitioner. Payment of chronological order shall be maintained and payment to the petitioner shall be made in accordance with the terms mentioned in the order.

(S. Kumar, J)

sudip/-

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Transmission Date	

