

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12641 of 2017

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New Patliputra Security Services Through Proprietor Jitendra Prasad, S/o Rameshwar Prasad, Rajeev Nagar, Raod No.-06, P.O.- Keshri Nagar, P.S.- Rajeev Nagar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Co-operative Society, Patna.
2. Registrar, Co-operative Society, Government of Bihar, Patna.
3. The Bihar State Housing Co-operative Federation Ltd. through its Managing Director, Lalit Bhawan, Patna.
4. District Magistrate, Patna cum Liquidator, Bihar State Housing Co-operative Federation Ltd. (Liquidation), Patna.
5. Assistant Liquidator, Bihar State Housing Co-operative Federation Ltd. (Liquidation), Lalit Bhawan, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rakesh Kumar

For the Respondents : Mr. Ramashray Roy, AC to AAG11

For the Federation : Mr. Purushottam Jha,
Mr. Vikash Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

“ (i) For issuance of a writ in the nature of mandamus and/or any other appropriate writ order or direction commanding upon the respondents for payment of arrears remuneration amount of Rs. 5,95,975/- (Five lakh Ninety Five thousand Nine hundred and Seventy five only) for the period of April 2015 to 19th July, 2016, for Security work by New Patliputra Security Services (petitioner) of six Security Guard at Land of Digha



Mauza and arrears remuneration amount of the Rs. 1, 73,210/- (One lakh Seventy three thousand Two hundred and Ten only) for the period of June 2015 to 19th Jul 2016 for Security Work by New Patliputra Security Services (petitioner) of two Security Guard at Federation Head Quarter Lalit Bhawan i.e. Total arrears remuneration amount of Rs. 7,69,185/- (Seven Lakh sixty nine thousand One hundred and Eighty five only) of total Eight Security Guard to the petitioner.

(ii) For issuance of order directing the respondents to pay the interest on the arrears remuneration amount to the petitioner.

(iii) For issuance of order directing the respondents to pay compensation for harassment, torture and mental agony and also cost of the litigation.

(iv) For any other relief or reliefs to which petitioner may be found entitled.

3. At the very outset, learned counsel for the respondent-Bihar State Housing Co-operative Federation Limited appears and raises a preliminary objection against maintainability of the writ petition on the ground that the relief is sought against the said Federation which is no longer in liquidation in view of the judgment dated 04.12.2015 passed by a coordinate Bench of this Court in CWJC No. 16760 of 2012 and analogous case. It is therefore submitted that the Federation is not amenable to the writ jurisdiction of this Court, being not State, in view of the decision of the Special Bench of this



Court in the case of *The organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors. reported in 2014 (1) PLJR 695.*

4. Learned counsel for the petitioner has not been able to controvert the stand of the respondent-Federation.

5. Having regard to the above, this Court is of the view that no writ can be issued by this Court for redressal of the grievance of the petitioner of the present nature.

6. The writ petition accordingly stands dismissed. Needless to say, the petitioner may avail any remedy as may be available to it in accordance with law.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.05.2018
Transmission Date	N.A.

