

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14984 of 2014

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Jhapas Mahto son of Late Gujur Mahto, resident of village- Parsauni Wajid,
P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Bihar State Co-Operative Marketing Union Ltd., through its Chairman,
Biscomaun Bhawan, Patna
3. The Managing Director, Bihar State Co-Operative Marketing Union Ltd.,
Biscomaun Bhawan, Patna
4. Finance Controller, Bihar State Co-Operative Marketing Union Ltd.,
Biscomaun Bhawan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra
For the Respondent/s : Mr.Manoj Kumar Yadav, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2019 Heard counsel for the petitioner and counsel for the

respondents.

Writ petitioner has approached this court seeking a
direction for payment of salary which is said to be due from
November, 1996 till his superannuation October, 2006.

Counter affidavit has been filed on behalf of the State.
They have raised objection regarding maintainability of the
instant proceedings seeking a direction against a cooperative
society under Article 226 of the Constitution of India.

Counsel for the petitioner submits that petitioner was
a party to the earlier writ proceedings arising out of CWJC No.



6931/2006 which was disposed of under order dated 02.05.2007 (Annexure-1) to the writ petition.

This court would find that for the same relief earlier writ proceedings was filed wherein direction was issued by this court. In spite of direction issued in favour of the petitioner when respondent-society failed to pay dues of the petitioner, petitioner also approached this court in contempt proceedings along with others who are parties to the writ proceedings. Contempt petitions were also brought to rest. This court has recorded resource crunch as a reason for non-payment of salary and observed that no sooner resources are available to opposite parties, they shall make endeavour to see that all past dues of the employees are cleared at the shortest possible time.

The claim of the petitioner in the instant proceedings has already been considered and direction was issued in the earlier writ proceedings. Successive writ petition for the same relief, when direction has already been issued, would not be maintainable. This court would not issue successive direction for the same cause of action.

In view of earlier direction issued in favour of the petitioner, there is no occasion for this court to again issue direction in favour of the petitioner.



For the reasons indicated hereinabove, writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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