

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21806 of 2019

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Siya Ram Singh, son of Late Chandrika Singh, Resident of village- Maranchi,
P.S. Maranchi, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Labour Deptt., Govt. of Bihar, Patna
2. The General Manager, Bihar Co-operative Weavers Spinning Mills, Mokama.
3. Assistant Manager, (Marketing) Retail Marketing Division, National Textiles Corporation Ltd., Kolkata.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Dronacharya, Adv.
For the Respondent/s	:	Mr.Ajay Kumar Rastogi (AAG10)
For the N.T.C. Ltd.	:	Dr. Maynand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-12-2019 The present writ application has been filed by the petitioner for a direction to the respondents to pay interest over the long standing dues after the order dated 27.03.2018 passed by a Division Bench of this Court in L.P.A. No.1798 of 2015.

Initially, the petitioner was appointed as workman in the Speed Framed Section of Bihar Cooperative Weavers' Spinning Mills, Mokama (hereinafter referred to as the "Mill, Mokama") in the year, 1965. Thereafter, the said Mill was shut down for a number of years and the workmen employed in the said Mill were out of employment. However, in the year 1972, the said Mill was nationalized and it became operative.



Accordingly, the petitioner along with other employees were again taken back in service of the aforesaid Mill.

According to learned counsel for the petitioner, the date of birth of the petitioner was manipulated behind him as 15.07.1939 in place of 06.01.1944 and the petitioner was forced to superannuate in the year 1997 by the respondents showing completing his service of 58 years. Thereafter, Industrial dispute was raised by the petitioner through his Labour Union under Section 10(1)(C) of the Industrial Dispute Act, 1947 before the Labour Court vide Reference Case No.40 of 1996 and finally, an Award was passed on 03.01.2006 rejecting the claim of the petitioner. Thereafter, the petitioner approached this Court by way of filing C.W.J.C.No.12358 of 2006 against the order of the Labour Court and writ petition was allowed on 26.02.2015 holding therein that the age of superannuation of the petitioner shall be 06.01.2002 treating his date of birth as 06.01.1944, as recorded in ESI Identity Card prepared by the Management of the concerned Mill. In the said order, the respondent no.2 was directed to calculate superannuation of the petitioner taking his date of birth as 06.01.1944 and pay all monetary benefits consequential thereof to the petitioner till the date of his retirement on 06.01.2002 including retiral benefits within three



months from the date of receipt/production of a copy of the order.

Being aggrieved with and dissatisfied by the order of the learned Single Judge, respondent no.2/ General Manager, Bihar Cooperative Weaver's Spinning Mills, Mokama filed an appeal vide L.P.A. No.1798 of 2015, which was rejected by order dated 27.03.2018.

On perusal of the aforesaid order of this Court passed in the writ petition, it is evident that only direction was given to pay all retiral benefits treating the date of birth of the petitioner as 06.01.1944 and there is no indication in the order about payment of interest.

Accordingly, I find no merit in the writ application. The writ petition is dismissed.

(Rajendra Kumar Mishra, J.)

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