

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3879 of 2020

1. Kali Charan Kanth, aged about 75 years, Son of Late Sri Krishna Kanth, Resident of Ward No. 13-Banmankhi, Mohalla-Raj Hat, P.S.-Banmankhi, District-Purnea (Bihar).
2. Ram Chandra Prasad, aged about 73 years Son of Late Guneshwar Sah, Resident of Ward No. 13-Khonaha, P.S.-Satar Kataiya, Distt.-Saharsa.
3. Nageshwar Chandra Ghosh, aged about 75 years, Son of Late Yogesh Chandra Ghosh, Resident of Gandhinagar Madhubani, P.S.-Purnea, Distt.-Purnea.
4. Abhinesh Jha, aged about 74 years Son of Late Jay Narayan Jha, Resident of Ward No.10, Shiksha Nagar, Banmankhi, P.S.-Banmankhi, Distt.-Purnea.
5. Pradip Chandra Gupta, aged about 66 years, Son of Late Ram Raj Gupta, Resident of Ward No. 13, Rajghat, Banmankhi, P.S.-Banmankhi, Distt.-Purnea.
6. Gajendra Mishra, aged about 80 years, Son of Late Kapileshwar Mishra, Resident of Mogaliya Purandah, Ward No. 14, P.S.-M. Purandah, Distt.-Purnea.
7. Brahamdeo Tatma, aged about 74 years, Son of Late Panchu Tatma, Resident of Ward No. 17, Rajghat, Banmankhi, P.S.-Banmankhi, Distt.-Purnea.
8. Rameshwar Paswan, aged about 75 years, Son of Late Munshi Paswan, Resident of Orlaha, Uriaha, P.S.-Purnea, Distt.-Purnea.
9. Tej Narayan Singh, aged about 72 years, Son of Late Balo Singh, Resident of Bournay Sthan, P.S.-Bournay, Distt.-Khagaria.
10. Devendra Shah, aged about 73 years, Son of Late Nakchhedi Sah, Resident of Ward No. 2, Hridya Nagar, P.S.-Banmankhi, Distt.-Purnea.
11. Shambhu Nath Thakur, aged about 76 years, Son of Late Bucho Thakur, Resident of Ward No. -4, Parariya, P.S.-Bihariganj, Distt.-Madhepura.
12. Khagendra Prasad Singh, aged about 77 years, Son of Late Mahadeo Prasad Singh, Resident of Oraha, Urlaha, P.S.-Oraha Barhara, Distt.-Purnea.
13. Geeta Gupta, aged about 68 years, Son of Late Khopati Tati, Resident of Ward No. 12, Chini Mill Colony, P.S.-Banmankhi, Distt.-Purnea.
14. Naval Kishor Kuwar, aged about 70 years, Son of Late Chunchun Kuwar, Resident of Orahi, P.S.-Orahi, Distt.-Purnea.
15. Md. Jamil Akhtar Ansari, aged about 66 years, Son of Late Md. Kanteer Ansari, Resident of Ward No. 02, Darji Patti Banmankhi, P.S.-Banmankhi, Distt.-Purnea.
16. Vishnudeo Rai, aged about 66 years, Son of Late Ganesh Rai, Resident of Ward No. 16, Shishwa, P.S.-Dhima, Distt.-Purnea.
17. Yogendra Prasad Yadav, aged about 68 years, Son of Late Saryug Yadav, Resident of Ward No. 6, Madhuban, P.S.-Purnea, Distt.-Purnea.
18. Shakun Deo Mandal, aged about 66 years, Son of Late Kapuri Mandal, Resident of Madhuban, P.S.-Purnea, P.O.-Chopra Ram Nagar, Distt.-Purnea.



19. Phulo Mehtrani, aged about 73 years, Wife of Jageshwar Raut, Resident of Maveshi Ghat, Chakla, P.S.-Banmankhi, Distt.-Purnea.
20. Ramji Yadav, aged about 65 years, Son of Ashrafi Yadav, Resident of Ward No. 17, Radha Nagar, P.S.-Banmankhi, Distt.-Purnea.
21. Balkrishna Yadav, aged about 69 years, Son of Late Sobhi Yadav, Resident of Ward No. 14, Radha Nagar, P.S.-Banmankhi, Distt.-Purnea.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Sugarcane Industry, Govt. of Bihar, New Secretariat, Patna.
3. The Secretary-cum Commissioner Department of Sugarcane Industries, Govt. of Bihar, New Secretariat, Patna.
4. The Cane Commissioner, Sugarcane Department, Government of Bihar, Main Secretariat, Patna.
5. The Bihar State Sugar Cane Corporation Limited, Arunalaya, Bailey Road, Patna.
6. The Bihar State Sugar Cane Corporation Limited, Banmankhi Unit through its General Manager, P.O. and P.S.-Banmankhi, Distt.-Purnea.
7. The General Manager Bihar State Sugar Corporation Limited Banmankhi Unit, P.O. and P.S.-Banmankhi, Distt.-Purnea.
8. The Collector of the District, Purnea.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Shashi Nath Jha, Advocate
For the Respondents	:	None
For the Corporation	:	Mr. Gyan Shankar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 01-09-2020

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the Bihar State Sugar Corporation Limited.

Learned counsel appearing on behalf of the petitioners submits that the issue involved in the present writ application is no more res integra and the similar issue was



decided by the Apex Court in Civil Appeal Nos. 3937-3938 of 2011 and other analogous cases holding that the case of seasonal employees of the concerned Unit will only be taken into account for calculating the benefits due to them. He further submits that similar issue was also decided by a coordinate Bench of this Court in CWJC No. 2637 of 2016 and CWJC No. 5630 of 2016. Learned counsel submits that the case of the petitioners is squarely covered by the judgment aforesaid. The judgment under reference is final adjudication of the matter.

Mr. Gyan Shankar, learned counsel appearing on behalf of the Corporation, submits that in the case of the petitioners, more benefit has been granted than what has been granted to the persons by the aforesaid judgment under reference. He placed reliance on the counter affidavit to dispute the claim of the petitioners. However, the counter affidavit does not answer the issue raised in the instant case on the basis of the judgment of the Full Bench of this Court under reference.

Having regard to the judgment of the Full Bench of the Court in the case of *Amresh Kumar Singh Vs. The State of Bihar & others* reported in *2018 (2) PLJR 929 (Full Bench)* and Bihar State Litigation Policy, 2011, the Court is constrained to dispose of the writ application with a direction to the



respondents to follow Bihar State Litigation Policy, 2011 and give the similar treatment the petitioners in this case like the petitioners of CWJC No. 2637 of 2016 and CWJC No. 5630 of 2016 (Annexure-6 series). Necessary exercise following the judgment of the Full Bench of this Court in the case of ***Amresh Kumar Singh (supra)*** and the Bihar State Litigation Policy, 2011 has to be completed. Necessary decision must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order. In the event the respondents distinguish the case of the petitioners from the case of the petitioners of CWJC No. 2637 of 2016 and CWJC No. 5630 of 2016, they have to assign reasons for adopting different procedures. The monetary benefit, if any admissible, should be paid to the petitioners within aforesaid time frame.

With the aforesaid observations and directions, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.09.2020
Transmission Date	N.A.

