

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16817 of 2018

Indu Singh Widow of Late Ranjan Kumar Resident of Village - Budhwal, P.S.
Karakat and District Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Cooperative Marketing Union Ltd. Through Its Chairman and Ors
2. The Chairman, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
3. The Managing Director, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
4. The Chief of Accounts, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar
For the Respondent/s : Mr.Vikas Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Shri Md. Abu Haidar and Shri Vikash Kumar, the learned counsel appearing for the BISCOMAUN.

The husband of the widow petitioner namely late Ranjan Kumar was posted as Assistant at Senior Regional Office, of the Biscomaun at Kaimur and he is stated to have died on 25.08.2013. The learned counsel for the petitioner has prayed



for payment of the outstanding amount of retiral benefits of the husband of the widow petitioner along with the pay revision benefits.

Learned counsel appearing on behalf of Biscomaun submits that the writ application is not maintainable as special Bench of this Court in the case of the Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar (Special Bench) reported in 2014 (1) PLJR 695 has held that the writ application under Article 226 of the Constitution of India is not maintainable at the first instance against respondent no. 1 and 2. The learned counsel for the petitioner has referred to an order passed in CWJC No. 17877 of 2016 dated 20.07.2017 (Chandra Kishore Chaudhary Vs. Bihar State Co-operative Marketing Union Limited and others) as also to an order dated 12.05.2016 passed in CWJC No. 9190/2014 (Harindra Chaudhary Vs. State of Bihar and ors.) which reads as follows:-

“On an application being filed by the petitioner with regard to his claims he is retiree of 2008, the same will be considered and the settlement will be made within a reasonable time frame keeping in mind the chronological order, which is maintained.
Writ stands disposed of.”

Having regard to the submissions made by the learned counsel for the parties and without expressing any opinion with regard to the maintainability of the present writ petition as



against BISCOMAUN, the writ petition is disposed of in terms of the aforesaid order dated 12.5.2016 passed in CWJC No.9190 of 2014 (Harindra Chaudhary Vs. State of Bihar andOrs.).

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

