

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.758 of 2016
In
Civil Writ Jurisdiction Case No.2241 of 2015

1. Rajkumari Devi Wife of Late Rajendra Prasad Singh, Resident of Village - Maur, P.O. - Maur, P.S. - Barbiga, District - Sheikhpura.
2. Umesh Prasad Singh Son of Late Dev Narain Singh, Resident of Village - Hathiyawan, P.O. - Shekhpura, P.S. - Hathiyawan, District - Sheikhpura.
3. Suresh Sharma Son of Late Laddu Singh, Resident of Village - Kamta, P.O. - Kamta, P.S. - Sheikhpura, District - Sheikhpura.
4. Chandraket Singh Son of Late Kartik Singh, Resident of Village - Narawa, P.O. -Mohidunpur, P.S. - Fatuha, District - Patna.
5. Surendra Prasad Singh Son of Late Alakhdeo Singh, Resident of Village - Hathiyawan, P.O. Hathiyawan- P.S.Shekhpura, -, District - Sheikhpura.
6. Surendra Singh Son of Late Tarni Singh, Resident of Village - Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.
7. Janardan Prasad Singh Son of Late Sita Ram Singh, Resident of Village -Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.
8. Birendra Singh Son of Late Jwala Singh, Resident of Village - Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.
9. Shivkant Prasad @ Shiv Kant Prasad Singh, Son of Late Narain singh, Resident of Village - Kamta, P.O. - Purankama, P.S. - Sheikhpura, District - Sheikhpura.
10. Bijay Singh Son of Late Ramavatar Singh, Resident of Village- Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.
11. Jang Bahadur Singh Son of Late Boudhu Singh, Resident of Village - Baruna, P.O. - Baruna, P.S. - Ariyari, District - Sheikhpura.
12. Narendra Prasad Singh Son of Late Ramchandar Singh, Resident of Village - Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.
13. Jitendra Kumar Singh Son of Late Ramchandra Singh, Resident of Village - Rupas, Tola - Chedi Singh, P.O. - Athamalagola, P.S. - Athamagola, District - Patna.
14. Srikant Singh Son of Late Amir Singh, Resident of Village - Bhasingpur, P.O. - Bangpur, P.S. - Parwalpur, District - nalanda.
15. Narendra Kumar Son of Late Ramlakhan Singh, Resident of Village - Masnadpur, P.O. - Sahjahanpur, P.S. - Sahjahanpur, District -Patna.



... Petitioners ... Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Bihar, Patna
2. The Registrar Co-operative Societies, New Secretariat, Patna, Bihar.
3. The Secretary, Department of Co-operative, Govt. of Bihar, Patna.
4. The Managing Director, Bihar State Co-operative Marketing Union Ltd.,
Biscoman Bhawan, Patna, Bihar
5. The Secretary, Bihar State Co-operative Marketing Union Ltd., Biscoman
Bhawan, Patna, Bihar.
6. The Chairman, Bihar State Co-operative Marketing Union Ltd., Biscoman
Bhawan, Patna, Bihar.
7. The Chief Account Officer, Bihar State Co-operative Marketing Union Ltd.,
Biscoman Bhawan, Patna Bihar
8. The Finance Controller, Bihar State Co-operative Marketing Union Ltd.,
Biscoman Bhawan, Patna, Bihar
9. The Account Officer, Bihar State Co-operative Marketing Union Ltd.,
Biscoman Bhawan, Patna, Bihar.
10. The Special Officer Establishment Bihar State Co-operative Marketing
Union Ltd., Biscoman Bhawan, Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Nikhil, Advocate
For the Respondent/s : Mr. Vikash Kumar SC 11
Mr. Vikas Kumar
Mr. Nikhil Kumar Agrawal, Advocates

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-11-2020

Heard the parties.

Appellants had filed writ petition for payment of



service dues as well as retiral dues from its employer BISCOMAUN, however, same was dismissed by learned Single Judge on the ground that BISCOMAUN is not a State within the meaning of Article 12 of Constitution of India and no writ would lie against it. Aggrieved by which, appellants have preferred this LPA.

Writ Court had dismissed the writ petition of appellants on the basis of judgment passed by Special Bench in *The Organizer, Dehri C.D. and C.M. Union Limited Vs. The State of Bihar and Ors. since reported in 2014(1)PLJR 695*, however, same has been stayed by the Apex Court by its order dated 15.9.2014 and SLP has been admitted for final hearing on 8.9.2017, however, same is still pending before the Apex Court for final hearing.

The counsel for the BISCOMAUN has fairly submitted that pursuant to direction of Apex Court, service dues and retiral dues are being paid to the retired employees of the BISCOMAUN for which a list has been prepared in chronological order which is available on the Website of BISCOMAUN also and appellants will be also paid their service dues and retiral dues as and when their turn come.

Accordingly, this LPA is disposed of. However, if any



grievance of the appellants still survives, liberty reserve to them
to take recourse to such remedies as are otherwise available in
accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2020
Transmission Date	NA

