

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.396 of 2016

In

Civil Writ Jurisdiction Case No.1089 of 2015

Awadhesh Kumar Son of Late Shivnarayan Prasad Singh, Resident of Village
- Gobindpur, P.O. - Baikathpur, P.S. - Khusro, District - Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
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

... Respondents/ ... Respondent/s

Appearance :

For the Appellant/s : Mr. Y. V. Giri, Sr. Advocate

Mr. Ashish Giri, Advocate

For the Respondent/s : 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.



Appellant 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, appellant has preferred this LPA.

Writ Court had dismissed the writ petition of appellant 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 appellant will be also paid his service dues and retiral dues as and when his turn comes.

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



grievance of the appellant still survives, liberty reserve to him 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
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