

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2766 of 2017**

**In**  
**Civil Writ Jurisdiction Case No.21848 of 2014**

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Chandra Shekhar Kumar son of Late Amrit Lal Sah, resident of village  
Rasulpur Sohavan, P.S.P.O.-- Bhagwanpur, District Vaishali.

... .. Petitioner/s

Versus

1. Bihar State Beverages Corporation Ltd. and Ors
2. Managing Director, Bihar State Beverages Corporation Ltd. Vidyut Bhawan-II, Jawahar Lal Nehru Marg, Patna
3. General Manager, Human Resources and Administration, Bihar State Beverages Corporation Ltd. Vidyut Bhawan-II, Jawahar Lal Nehru Marg, Patna
4. M. D., Bihar State Sugar Corporation Ltd. Arunalaya Ramjaipal Nagar, Bailey Road, Patna Camp New Secretariat, Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Tiwari  
For the Opposite Party/s : Mr. Vikash Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      25-02-2020                      Heard both sides.

The petitioner filed this contempt petition for initiation of contempt proceeding against the opposite parties for willfully disobeying and disregarding the order of this court dated 30.06.2015 passed in CWJC No. 21848 of 2014.

The order of this court dated 30.06.2015 passed in CWJC No. 21848 of 2014 reads as follows:-

“Heard learned counsel for the parties.

Having regard to the admitted position that the relief sought in this writ application is squarely covered by an earlier case decided by this Court on 9.4.2015 in CWJC No. 21033 of



2014 (Amrendra Kumar Singh & Ors. Vs. The State of Bihar & Ors.), this Court will have no difficulty in holding that the petitioner shall also be governed by the aforesaid order in the case of Amrendra Kumar Singh (supra).

At this stage, Mr. Vikash Kumar, learned counsel for the Corporation, submits that he has been instructed by his senior counsel to say that the Corporation intends to file a review application and, therefore, no order should be passed in this case.

This Court, however, is not inclined to accept such submission for a simple reason that as of now there is no review application pending before this Court and if and when such review application is filed, its result, if favourable for the Corporation, shall also govern the present writ application.

With the aforementioned observation, this application is disposed of.”

The learned counsel for the petitioner submits that immediately after the order dated 30.06.2015 the petitioner filed representation before the Managing Director, Bihar State Beverage Corporation Ltd. (BSBCL) on 03.07.2015 but till date neither the petitioner was accommodated in service nor any payment was made to him. The BSBCL filed C. Rev. No. 124 of 2016 in CWJC No. 21033/ 2014 which was dismissed vide order dated 16.11.2016. LPA No. 247 of 2017 with LPA No. 945 of 2017 was also filed by the BSBCL wherein a division bench



of this court directed the opposite parties to continue with the services of the employees vide order dated 19.07.2017. It is submitted that in spite of the aforesaid order the petitioner was not taken back in service nor any payment was made to him.

The opposite parties have filed show cause.

Mr. Vikash Kumar, the learned counsel for the BSBCL, submits that the opposite parties have not willfully disobeyed the order of this court. The petitioner and other employees were working in Bihar State Sugar Corporation Limited and they were engaged in the BSBCL on deputation. The Bihar State Sugar Corporation Ltd issued regulation No. 2097 dated 23.10.2013 and fixed the cut off date as 30.04.2013 for its employees under the exit settlement plan and, accordingly, the BSBCL issued letter No. 3910 dated 28.11.2014 by which the deputation of the petitioner along with 12 other employees of the Bihar State Sugar Corporation was cancelled/ terminated. The petitioner preferred CWJC No. 21848 of 2014 against the order whereas similarly situated other employees preferred CWJC No. 21033 of 2014 and CWJC No. 8659 of 2015. This court disposed of CWJC No. 21033 of 2014 and CWJC No. 8659 of 2015 vide order dated 09.04.2015 with a direction that the petitioners of the said case, alike any other



contractual employee of the BSBCL, would continue on the same and equivalent post and on the same pay till they reach their age of superannuation. It is further observed that this of course will be subject to a rider that if the BSBCL itself does not need the service of the petitioner for want of work, the service of the petitioner could also be terminated but only after following the principle of last come first go basis on the date of arrival of the employees from different organization in the BSBCL. The writ petition preferred by the petitioner (CWJC No. 21848/2014) was also disposed of on 30.06.2015 in terms of the order dated 09.04.2015 passed in CWJC No. 21033 of 2014. The opposite parties preferred Civil Review No. 124 of 2016 in CWJC No. 21033 of 2014 but the same was dismissed vide order dated 16.11.2016. The opposite parties thereafter preferred LPA No. 247 of 2017 in C. Rev. No. 124 of 2016 and LPA No. 945 of 2017 in CWJC No. 21033/2014. A division bench of this court partly allowed the LPA holding that the opposite parties are only liable to continue to keep the employees as a contract employee till the age of superannuation i.e. 60 years of age. The division bench while disposing of the Letter Patent Appeals by order dated 19.07.2017 further clarified that the order will govern only the parties who were



contesting the matter in CWJC No. 21033 of 2014. After disposal of LPA No. 945 of 2017, the BSBCL preferred C. Rev. No. 469 of 2017 and after hearing the parties the division bench modified the order dated 19.07.2017 to the extent that the BSBCL shall have liberty to continue with the employees as contract employees till they attain the age of superannuation i.e. 60 years or in case the Corporation is unable to continue with the employee, they shall have liberty to retrench them or terminate their service on such grounds in accordance with law. The Government of Bihar had imposed absolute ban on sale, purchase, consumption, transport, trade, manufacture, warehousing of liquor with effect from 01.04.2016 with regard to country made liquor. The absolute ban with regard to foreign liquor was w.e.f. 05.04.2016. After imposition of absolute ban by the Government, as aforesaid, the business of the BSBCL came a sudden stand still. The BSBCL has closed its depots in all districts and repatriated the employees to their parent organizations, who were on deputation in the BSBCL. In such circumstances the BSBCL is not in a position to keep the petitioner in service on deputation or on contract. The BSBCL has taken a conscious decision in the present matter vide office order bearing memo No. 123 dated 30.08.2018 not to engage



any employee and, therefore, the representation filed by the petitioner and other similarly situated employees such as Amarendra Kumar Singh has been rejected. It is further submitted that opposite parties have not willfully disobeyed or disregarded the order of this court.

Having heard the submission of both sides and on perusal of the records, I find that petitioner filed CWJC No. 21848 of 2014 which was disposed of on 30.06.2015 in terms of the order dated 09.04.2015 passed in CWJC No. 21033 of 2014. Thereafter, the petitioner presented representation before the authority to allow him to continue on deputation in BSBCL. The BSBCL filed C. Review against the order dated 09.04.2015 passed in CWJC No. 21033/2014 but the same was dismissed. Thereafter, the BSBCL filed LPA No. 247 of 2017 in C. Rev. No. 126 of 2016 and LPA No. 945 of 2017 in CWJC No. 21033 of 2013. A division bench of this court modified the order to the extent that the BSBCL shall only be liable to continue to keep the employees as a contract employee on deputation till the BSBCL required their services till the age of superannuation i.e. 60 years of age. Thereafter, the BSBCL rejected the representation of the petitioner and other employees on the ground that on account of complete ban of liquor imposed by



the Government of Bihar all the depots of BSBCL have been closed and the services of such employees, who are on deputation, is not required any further. Since the writ petition of the petitioner was disposed of in terms of the order dated 09.04.2015 passed in CWJC No. 21033 of 2014 and a division bench of this court in LPA No 247 of 2017 with LPA No. 945 of 2017 partly allowed the appeal holding that the BSBCL shall allow the employees to continue till their services are required in the Corporation and since all the depots of the BSBCL have been closed the representation of the petitioner and others have been rejected.

Thus, I find that the opposite parties have not willfully disobeyed or disregarded the order of this court. Accordingly, no further action is required. This contempt petition is, accordingly, dismissed.

**(Prabhat Kumar Jha, J)**

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