

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1353 of 2017

In

Civil Writ Jurisdiction Case No.11263 of 2007

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The Bihar State Cooperative Marketing Union Ltd. West Gandhi Maidan,
Patna through its managing Director

...Respondent ... Appellant/s

Versus

1. The Regional Provident Fund Commissioner , Assistant Provident Fund
.....Respondent – Respondent
2. Parmanand Rai, son of Late Dayali Rai, Resident of Biscomaun Colony,
P.O.- Alamganj Patnacity District- Patna.

...Writ petitioner- Respondent/s

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with

Letters Patent Appeal No. 1354 of 2017

In

CIVIL REVIEW No.391 of 2016

- =====
- 1) The Bihar State Cooperative Marketing Union Ltd. West Gandhi
Maidan, Patna through its managing Director
 - 2) The Managing Director, Bihar State Co-operative Marketing Union
Ltd. West Gandhi Maidan, Patna
 - 3) The In-charge, Finance Controller, Bihar State Co-Operative
Marketing Union Ltd. West Gandhi Maidan, Patna
 - 4) The Special Officer, Administration, Bihar State Co-Operative
Marketing Union Ltd. West Gandhi Maidan, Patna

... .Writ petitioner .. Appellant/s

Versus

1. The Regional Provident Fund Commissioner, Assistant Provident Fund
Commissioner, (Pension), R Block, Road No.6, Patna
2. The State of Bihar through Registrar, Co-operative Societies, Bihar, Patna
3. Parmanand Rai, son of Late Dayali Rai, Resident of Biscomaun Colony,
P.O.- Alamganj Patnacity District- Patna.

... ... Respondent/s.. Opposite parties

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Appearance :

(In Letters Patent Appeal No. 1353 of 2017)

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

Mr. Pranav Kumar, Advocates

For the Respondent/s : Mr. Madhav Krishna, Advocate

(In Letters Patent Appeal No. 1354 of 2017)



For the Appellant/s : Mr. Y. V. Giri, Sr. Advocate
Mr. Ashish Giri,
Mr. Pranav Kumar, Advocates
For the Respondent/s : Mr. Anil Singh,
Mr. Madhav Krishna, Advocate

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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 : 26-11-2020

Heard the parties.

Writ petitioner- Pramanand Rai was working as Stenographer in BISCOMAUN, Patna and retired from service on 30.11.2006 and after retirement, received part payment of Provident Fund, Group Insurance, Gratuity and Leave Encashment and for payment of remaining retiral dues, he filed writ petition being C.W.J.C No. 1163 of 2007 which was allowed by learned Single Judge by order dated 28.2.2014 and direction was issued to make payment of the retiral dues against which, BISCOMAUN filed a review petition being Civil Review No.391 of 2016 which was dismissed by learned Single Judge by his order dated 19.8.2017 and thereafter BISCOMAUN preferred two LPAs one against the order dated 19.8.2017 passed in Civil Review No.391 of 2016 giving rise to LPA No.1354 of 2017 and another against the order dated 28.2.2014 passed in CWJC No.11263 of 2007 giving rise to LPA



No.1353 of 2017.

It is submitted on behalf of appellant – BISCOMAUN that BISCOMAUN is not a State within the meaning of Article 12 of Constitution of India and no writ would lie against it and same has been decided by Special Bench of this Court 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 against which SLA (C) No.13717 of 2014 is pending before the Apex Court and this Court had directed to list present matters after disposal of SLA (C) No.13717 of 2014 and the operation of impugned order was also stayed by order dated 12.10.2017.

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 writ petitioner will be also paid his service dues and retiral dues as and when his turn comes.

Accordingly, these LPAs are disposed of. However, if any grievance of the writ petitioner still survives, liberty reserve to him to take recourse to such remedies as are otherwise available in accordance with law including



approaching this Court for same or subsequent cause of action.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

