IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19809 of 2019

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Indranand Thakur & Ors. ... ... Petitioner/s

Versus

The State of Bihar & Ors. ... ... Respondents

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Appearance :
For the Petitioner/s : Mr.Prem Kumar Jha, Advocate
For the State : Mr. Dinkar Kumar, SC 9
For the Respondent nos 2 to 6 : Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

6 8.9.2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conferencing.

The writ application is being disposed off at the admission itself with the consent of the parties.

The petitioners have filed the instant writ application for directing the respondents for making payment of arrears of salary for the period of April 1997 to November 2003, current/full salary for the period from January 2004 till date and or revised cut of date i.e. till 31.3.2016 under the revised exit settlement plan fixed vide memo no. 459-C dated 5.10.2018 (Annexure-2), for directing the respondents for making payment of the post retiral dues along with interest thereon and for other reliefs.

The case of the petitioners is that the 18 petitioners in the writ application joined in different capacities in the Lohat Unit of the Sugar Corporation. Although they discharged their duty, they were not paid their respective salary and connected benefits for different durations. The employees of the Sugar Corporation including the petitioners moved before the Hon'ble Supreme Court wherein the State of Bihar was directed to deposit Rs. 75 crores for payment of salary and in this regard Justice Uday Sinha Committee was constituted by the Apex Court for disbursement of salary to the employees.

Without going into the unnecessary details, it may be stated here that it is the case of the petitioners that the respondent State Government came out with an exit settlement plan for the employees of the Sugar Corporation and its 15 units and as agreed a cut of date 31.1.2016 was fixed. A consolidated fund as stated in paragraph no. 13 of the petition was released and the units were requested to distribute the funds against the salary and the post retiral dues of the employees. Further reference is made to Annexure-2 series of the writ petition which includes the letter dated 5.10.2018 written by the Principal Secretary, Sugarcane Industries Department, Government of Bihar to the Accountant General and more specifically to the chart provided in paragraph no. 6 of the said letter. Clause 8 of the said chart relates to Lohat Unit to which these petitioners belong. It is thus, submitted that so far as the allotment for the purpose of payment to the persons like the petitioners are concerned, as would be evident from the letter dated 5.10.2018 (Annexure-2), the amount has already been received by the concerned respondents and only needs to be distributed amongst the petitioners and similarly situated employees.

Mr. Gyan Shankar appears for the respondent nos. 2 to 6. It is submitted by him that a counter affidavit has been filed on behalf of respondent nos. 2 to 5 wherein it has been stated that in light of the approved exit settlement plan, M/s N. C banerjee & Company, a Chartered Accountants Firm has been appointed for calculation of the dues of the employees of the units of the B.S.S.C along with the Lohat Unit under the Exit Settlement Scheme. It is categorically stated that calculation and recommendation for payment of legal dues of the employee of the Lohat Unit is under progress and the payment of the seasonal employees has to be made on priority basis.

In paragraph no.14 of the counter affidavit it is averred that so far as the claim of the present petitioners are concerned, they were the seasonal employees of the Lohat Unit of the Corporation and calculation of their dues under the exit scheme is under process along with other employees. Further for ready reference paragraph nos. 14, 15 and 16 of the counter affidavit filed on behalf of the respondent nos. 2 to 5 is being quoted herein below :-

> "14.That so far as claim of the present petitioners are concerned; they were the seasonal employees of the Lohat unit of the Corporation and calculation of their dues under the Exit Scheme is under process along with other employees.
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> 15. That it is relevant to state here that there is a resolution of the High Power Committee of the Government bearing memo no.- 2216 dated 18.11.2013 that if any seasonal employees of the corporation has worked in the unit with approval of the competent authority after the Curt Off date, he shall be paid the salary for the period he has worked after deducting the Holidays. So if any of the present petitioners has worked after the Cut Off date fixed for the Seasonal Employees with approval of the competent authorities, he shall be paid salary in light of the said resolution."
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> "16. That from the facts stated above it is evident that the process of calculation of dues of the employees of the Lohat unit is under process and it would be completed without undue delay and payment of the petitioners

shall be made accordingly. So far as payment of PF is concerned the same comes under the jurisdiction of The Darbhanga Sugar Company Provident Fund Trust, Lohat, Madhubani which is an independent body."

Having heard learned counsel for the parties, in view of the averments made in the counter affidavit that so far as the petitioners are concerned, calculation of their dues under the exit scheme is under process along with other employees, this Court does not deem it expedient to keep the instant application pending.

The respondent authorities are directed to calculate the dues payable to the petitioners under the exit scheme applicable to them and the amount found payable under the arrears of salary as also the post retiral dues, shall be paid through RTGS by the respondent nos. 5 and 7 as provided in Clause 8 of the letter dated 5.10.2018 (Annexure 2).

The amount found payable to the petitioners shall be paid within a period of four months from the date of receipt/production of a representation along with a copy of this order. The petitioners shall also be paid statutory interest as applicable and to which they are found entitled.

The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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