

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23083 of 2019

Shidheshwar Nath Jha, S/o Shri Sushil Mani Jha, resident of Village Chegraha, P.O. Chhapra Balash, P.S.- Sugauli, District- East Champaran was posted as Security Guard at M/s Bhagalpur Co-operative Spinning Mills Ltd. Alamganj, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Industrial Development Commissioner.
2. The Industrial Ministry, Government of Bihar, Patna.
3. The Managing Director, District Industrial Centre, Bhagalpur.
4. The District Magistrate, Bhagalpur.
5. The Commissioner Bhagalpur Division-cum-Administrator, M/s Bhagalpur Co-operative Spinning Mills. Ltd. Bhagalpur, Bihar, Patna.
6. The District Manager, District Industrial Centre, Bhagalpur.
7. The Special Work Officer, Confidential Branch, Bhagalpur.
8. The Provident Fund Officer, Bhagalpur.
9. The Treasury Officer Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Ambastha
For the Respondent/s : Mr.Shiv Kumar, AC to GA 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-01-2020 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner in the instant proceedings raises a claim for payment of salary for the year 2000 to 2007 along with DA, Gratuity and other payable dues along with interest as he claims that he has served in the respondent-Organization in the said period.

Counsel appearing for the respondents draws attention



of the court towards fact that for the same relief, he had approached this court by filing CWJC No.11442 of 2010. The same was disposed of on 22.07.2010 (Annexure 7). Petitioner was permitted to represent his claim before Industrial Commissioner-cum-Administrator of the Cooperative Spinning Mill, Bhagalpur.

The order has thereafter been passed by the Administrator of the Cooperative Spinning Mill-cum- Principal Secretary, Industry Department, Bihar on 13.02.2012 vide letter bearing memo no. 752. Said letter considering petitioner's claim was placed in subsequent contempt proceedings bearing MJC no. 5632 of 2011 arising out of CWJC No.11442 of 2010. On going through the order of the Principal Secretary, contempt proceedings was disposed of.

Same claim of the petitioner which has been raised in the instant proceedings was finally considered, and order thereupon was passed by the Principal Secretary on 13.02.2012. Same had been taken note of by this court in the order passed in contempt proceedings disposing of the same. Whatsoever was the right of the petitioner can now only be considered in light of the said order dated 13.02.2012 passed by the Principal Secretary.



When this court made specific query from petitioner's counsel whether he has examined the order dated 13.02.2012, counsel for the petitioner submits that the same is not available.

In absence of decision of the Principal Secretary dated 13.02.2012, finally deciding fate of the petitioner's claim, it is not possible to consider the petitioner's claim due to insufficiency of pleadings.

There is no occasion for this court to issue any direction on the claim raised in the instant proceedings.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

U			
---	--	--	--

