

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8639 of 2012

Chandra Kant Sharma, son of Late Basistha Singh, resident of Village-
Kutubpur, P.O.- Thathan, P.S.- Hajipur, District- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna, (Bihar).
2. The Principal Secretary, Welfare Department, Government of Bihar, Patna (Bihar)
3. The Project Coordinator, I.C.D.S. Project, Welfare Department, Government of Bihar, Patna (Bihar)
4. The Bihar State Construction Corporation Limited through its Managing Director, Anishabad, Patna-800002 (Bihar)
5. The Works Manager, Bihar State Construction Corporation Limited, Patna Unit-I, Anisabad, Patna-800002 (Bihar)
6. The Employees Provident Fund Organization, Government of India (Ministry of Labour) having its Regional Office At 'R' Block, Patna-800001
7. The Principal Regional Provident Fund Commissioner, 'R' Block, Patna-800001
8. The Principal Secretary, Finance Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Mr. Raj Narayan Mishra, Advocate
For the State	:	Mr. Abbas Haider, SC 6
For Respondent Nos.6 & 7:	:	Mr. Jai Prakash Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-11-2022

Heard Mr. Manoj Kumar, learned counsel for the petitioner; Mr. Abbas Haider, learned SC 6 for the State and Mr. Jai Prakash Verma, learned counsel for the respondents no. 6 and 7.

2. The petitioner has moved the Court for the following relief:



“for issuance of an appropriate writ/ order/ direction commanding the Respondents to make payment of the full retirement benefits to the petitioner including Employees Provident Fund, Leave Encashment, Gratuity, Pension and Family Pension Scheme under the Employees Provident Fund & Miscellaneous Provision Act, 1952, as well as other arrears.”

3. The parties have exchanged the pleadings amongst themselves, but the admitted position is that the Bihar State Construction Corporation Limited (hereinafter referred to as “Corporation”) is under liquidation before the National Company Law Tribunal, Kolkata Bench, in Company Petition No. 720 of 2017 in which under Section 107 of the Insolvency and Bankruptcy Code, 2016, process has already been initiated and publication also made.

4. Learned counsel for the State draws the attention of the Court to Annexure- B to the counter affidavit filed on behalf of the respondent no. 1, which is copy of order dated 06.09.2018 passed in CWJC No. 16586 of 2016 and its analogous cases in which similar issue was before the Court and noticing the fact that the Corporation was under liquidation before the National Company Law Tribunal, Kolkata Bench, the writ petition was disposed of with liberty to the petitioners either to intervene in the said proceeding or wait for the



outcome and then take appropriate steps, in accordance with law, before the appropriate forum.

5. Having regard to the aforesaid, the present writ petition also stands disposed of in terms of order dated 06.09.2018 passed in CWJC No. 16586 of 2016 and its analogous cases.

(Ahsanuddin Amanullah, J)

J. Alam/-

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