

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5340 of 2023**

Indra Kant Mishra Son of Late Bhuttu Mishra, resident of Gangapur Basti,  
D.Nath Bandh, P.O Diabhat Nathwan, Via - Pandaul, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Industries Department Bihar, Patna.
2. The Managing Director, Bihar State Small Industries Corporation Ltd. Indira Bhawan, Ram Charitra Singh Path, Patna 1.
3. The Account Officer, Bihar State Small Industries Corporation Ltd., Head Quarter, Patna.
4. The Sales Manager, Bihar Emporium, Maurya Lok Complex, Dukkunglow Road, Patna.
5. The Attainder, Bihar Emporium, Maurya Lok Complex, Dukkunglow Road, Patna.
6. The Secretary, Small Industries Corporation Ltd. Bihar Emporium, Maurya Lok Complex, Dukkunglow Road, Patna.
7. The Official Liquidator, High Court Patna, Maurya Lok Complex A Block 4th Floor, Dukkunglow Road, Patna - 1.

... .. Respondent/s

**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | None.                                                   |
| For the Respondent/s | : | Mr. Abbas Haider, SC-6<br>Mr. Wasi Mohammad, AC to SC-6 |
| For the Corporation  | : | Dr. Anand Kumar, Adv.                                   |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

9      11-12-2023                      None appears on behalf of the petitioner.

2. Mr. Abbas Haider, learned counsel for the State and Dr. Anand Kumar, learned counsel for the Corporation, are present.

3. The petitioner by invoking the prerogative writ jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction upon the respondent authorities to ensure payment of Rs. 7,15,901/- along with the statutory



interest.

4. It is to be noted that the petitioner is superannuated from the post of Peon-cum-Watchman, from Bihar Emporium, Maurya Lok Complex, Patna, on 02.08.2018 after attaining the age of 58 years.

5. A counter affidavit as well as supplementary counter affidavit have been filed on behalf of respondent no.1.

6. Learned counsel for the respondents, submitted that the Bihar State Small Industries Corporation Limited, is under liquidation and the claim of the employee(s) of the Corporation was considered by the official liquidator and accordingly, the employee(s) of the Corporation, including the petitioner have been paid their claim as per the list attached with Letter No. 249 dated 15.05.2023 issued by the Assistant Official Liquidator (Annexure-R/1-1 to the supplementary counter affidavit), which *prima facie* suggests that the petitioner has been allowed an amount of Rs.2,07,754/-. He further submitted that since the Corporation in question has already gone under liquidation and, hence, any claim of its employee(s), is to be considered by the official liquidator appointed by this High Court.

7. It has been informed to this Court that the



Company Petition bearing No. 5 of 1999 is already pending consideration and thus the petitioner has remedy available before him to raise any grievance before the official liquidator.

8. Considering the submissions made on behalf of the parties, the writ petition stands disposed of with the liberty aforesaid.

**(Harish Kumar, J)**

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