

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18023 of 2017

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Hari Nandan Singh, Son of Late Mahabir Singh, Resident of Mohalla- New Anandpuri, P.S.- Khagaul and District- Patna.

... .. Petitioner/s

Versus

1. Bihar State Cooperative Marketing Union Ltd.
2. Chairman, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
3. Managing Director, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
4. Chief of Accounts, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mohammed Abu Haidar, Advocate Mr. Abu Shajar, Advocate Mr. Zahidi, Advocate
For the Respondent/s	:	Mr.Vikas Kumar, Advocate
For BISCOMAN	:	Mr. Ashish Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 27-03-2023 Heard learned counsel for the petitioner and learned counsel for the BISCOMAUN.

2. The petitioner has filed the present writ petition for directing the respondents to pay the retirement benefits towards arrears of salaries as due from October, 1996 till retirement, i.e., 28.02.2007 with dearness allowances and arrears of interim reliefs along with Vth and VIth pay Revision as well as due time bound promotion and its benefits besides other dues with interest @ 18% thereof.

3. Learned counsel appearing on behalf of the



petitioner submits that the respondents have admitted in Paragraph No.19 of the counter affidavit that the petitioner will be paid in chronological order as per turn. The petitioner comes at serial No.936 and in compliance of various orders passed by this Court to maintain the payment on the basis of chronological prepared by the BISCOMAUN, the said payment will be paid, however, subject of the result of the SLP (Civil) Appeal No.012147 of 2017 registered on 08.09.2017.

4. Learned counsel further submits that the petitioner is only aggrieved by the recovery part as has been mentioned in Annexure R-7 and statement to that respect has not been made to the counter affidavit in misconceived manner. The petitioner is permitted to challenge the order contained in calculation contained in Annexure R-7 which has been calculated without their being any order on record to show that the petitioner was given an opportunity of hearing to participate before taking such final action against the petitioner.

5. Mr. Ashish Giri, learned counsel appearing on behalf of the BISCOMAUN submits that he has no objection if the payment is made in terms of statement made in paragraph No.19 of the counter affidavit subject to the result of the final outcome of SLP (Civil) Appeal No.012147 of 2017.



6. However, the petitioner is at liberty to raise all his grievances with respect to any recovery which is excess to the calculated amount is required to be paid to the petitioner in terms of chronological order.

7. The present writ petition is disposed of with aforesaid direction.

(Purnendu Singh, J)

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