

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3719 of 2025

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Shambhu Sharan Singh S/o- Late Baleshwar Singh, R/o- Jinpura Road, SK
Nagar, Bihita, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Sugar Cane Department, Govt. of Bihar, New Secretariat, Patna.
2. The Managing Director, Bihar State Sugar Corporation Ltd., Govt. of Bihar, Patna.
3. The General Manager, Bihar State Sugar Corporation Ltd., Bihta Unit.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Adv.
For the State	:	Ms. Anuradha Singh, SC-21
For B.S.S.C.	:	Mr. Gyan Shankar, Adv., Ms. Ankita Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the respondent Bihar State Sugar Corporation Limited submits by taking this Court to paragraph-12 of the counter affidavit, wherein it has been stated that similarly situated employees had moved this Court vide C.W.J.C. No. 4564 of 2013 for same and similar relief and the Court without interfering into the merits of the matter directed the petitioners to file a representation before the Managing Director of the Corporation and this petitioner having not filed representation his case has not be considered and, therefore, the



writ petition is barred by principles of res judicata/constructive res judicata and is fit to be dismissed, in view of three Judges Bench Judgment of the Hon'ble Apex Court in ***Hope Plantations Ltd. Vrs. Taluk Land Board***, reported in ***(1999) 5 SCC 590***.

3. On the other hand, learned counsel for the petitioner submits that the respondents were obliged to pay the gratuity amount for 20 months and Earned Leave of 210 days with interest thereon, for which the instant writ petition has been filed. Besides that, the differential amount of salary from 29.12.1986 to 31.03.2010 is also payable, which the respondents have not considered.

4. Considering the submissions of the parties and the grounds taken by the learned counsel representing Bihar State Sugar Corporation Limited, Bihta Unit with regard to delayed approach before this Hon'ble Court for ventilating his grievance is rejected on the ground that in financial matter no delay can be attributed to the parties aggrieved because continuing wrong gives rise to a recurring cause of action, where the employees are subjected to financial loss on the basis of wrong computation made contrary to law and as such application cannot be treated as time barred. Since, the fresh cause of action



accrues in favour of the aggrieved person every month in the facts of the instant case and, therefore, the action of the authorities in not paying the amount, entitles him to knock the door of the Constitutional Court to ventilate the grievances and accordingly, the reasons which have been assigned for not deciding the claim is not tenable in law.

5. In view thereof, the Bihar State Sugar Corporation Limited, Bihta Unit is directed to take appropriate steps in the case of this petitioner and decide his claim within a period of eight weeks from the date of filing of the representation, which is said to have been submitted before the Managing Director, Bihar State Sugar Corporation Limited, appended as Annexure-5.

6. If, it is found on adjudication which claim that amount is payable, the said amount shall be paid within a further period of four weeks.

7. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

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