

O.I. (law)
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IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.17595 of 2009

CHINTA DEVI W/O LATE BINDA SINGH R/O VILL- GONAWAN, P.S- NAWADA, DISTT- NAWADA

Versus

1. THE STATE OF BIHAR THROUGH ITS SECRETARY DEPARTMENT OF INDUSTRIES, BIHAR
2. BIHAR STATE COOPERATIVE MARKETING UNION (BISCOMAUN) BISCOMAUN BHAWAN, THROUGH ITS CHAIRMAN BISCOMAUN BHAWAN, WEST OF GANDHI MAIDAN, PATNA
3. MANAGING DIRECTOR BISCOMAUN, BISCOMAUN BHAWAN WEST OF GANDHI MAIDAN, PATNA

02. 11.01.2010.

As prayed for by the counsel for the petitioner, let correction be made in paragraph-1 of the writ application.

2. Heard learned counsel for the petitioner, State and the counsel for the Bihar State Cooperative Marketing Union (hereinafter referred to as the "BISCOMAUN").

3. Petitioner is the widow of late Binda Singh, who superannuated with effect from 30.6.2005 while serving as Watchman in the BISCOMAUN and thereafter left for his heavenly abode on 22.6.2009. This writ application has been filed praying inter alia to direct the BISCOMAUN to pay the petitioner arrears of salary of her late husband from October, 1996 till June, 2005.

4. Counsel for the BISCOMAUN states that retiral dues have been paid to the husband of the petitioner and all others who superannuated up to December, 2005 and arrears of salary for the aforesaid period will not form part of the retiral dues, in the circumstances, the said amount has not yet been paid. He further states that BISCOMAUN being not a State as has been held by the Full Bench of this Court in the case of Rajendra Prasad Sah Versus the State of Bihar & Ors., reported in 2000(4) PLJR 273 this writ application is not maintainable and fit to be dismissed.

5. Having heard counsel for the petitioner and the counsel for the BISCOMAUN, falling in line with the law laid down by the Full Bench of this Court in the aforesaid reported case, I dismiss this writ application.

3021
22.2.10

JA 2/1/10
22/02/2010

3/491(4)
22.2.10

Rajesh

(V.N.Sinha,J.)

To
Rajesh
P.A.
11/10/10



2264
16/2/10
Memo No.....Dated.....
True Copy of Order dt. 11.01.10.
Forwarded to the Managing

Director BISCO MANU. BISCO MANU

Shree Anand of Gandhi
Road, Factory.

For information and necessary
action and for Communication to
all Concerned

Qain
11/2/10

For A. R. (A)
15/2/10