

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1492 of 2013

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Surendra Kumar Singh S/O Late Bhuneshwar Singh Retired Field Officer,
Bihar State Cooperative Land Development Bank, Gopalganj Branch And
R/O Village-Khulasa, P.S.- Jamobazar, P.O.- Madhopur, District- Siwan
.... Petitioner

with
Civil Writ Jurisdiction Case No.2588 of 2013

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Rajender Rai S/O Late Kali Rai Retired Assistant , Bihar State Cooperative
Land Development Bank, Mokamah, Branch, Patna, Resident Of Naya
Tola, Baso Daghi, P.S.-Barh, Distt-Patna
.... Petitioner

Versus

1. The State Of Bihar Through Secretary, Cooperative Department ,
Government Of Bihar, Patna
 2. The Bihar State Cooperative Land Development Bank, Budh Marg,
Patna
 3. The Managing Director, Bihar State Cooperative Land Development
Bank, Budh Marg, Patna
- Respondents in both cases

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Appearance :

(In CWJC No.1492 of 2013)

For the Petitioner/s : Mr. Arif Raza, Advocate

For the State : Mr. S.A. Alam, SC-3

For the Respondent no. 3: Mr. Rajesh Prasad Choudhary, Advocate

(In CWJC No.2588 of 2013)

For the Petitioner/s : Mr. Arif Raza, Advocate

For the Respondent/s : Mr. S.K. Mishra, SC to GP-7

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 08-12-2015 Heard counsel for the petitioner.

2. CWJC No. 1492 of 2013 and both the writ petitions
are taken up together as the matters are common in these writ
petitions.

3. The petitioner of CWJC No. 1492 of 2013 joined
the bank as Supervisor on 27.5.1972 and retired on 31.5.2007 as



Field Officer on gross pay of Rs 12,064/- per month. He seeks direction to the respondents for payment of arrears of salary of 23 months from February 2005 from February 2005 to April 2005, and August 2005 to March 2007. He also prays for payment of difference of salary consequent to time bond promotion on completion of 10 years of service on 27.5.1982. Which was sanctioned vide Bank's Office order no. 9225 dated 3.2.1989.

4. Petitioner of CWJC No. 2588 of 2013 was appointed as clerk on 15.1.1972 and superannuated on 31.10.2011 as Assistant on gross salary on Rs 8435/- per month from Mokama branch. He prays for payment of arrears of salary of 36 months and also prays for interest on the same.

5. A counter affidavit has been filed on behalf of the bank. Learned counsel for the bank does not deny the entitlement of the petitioners for payment of arrears of salary. However, he submits that in view of the poor financial condition of the bank and also taking into consideration that a large number of employees were not been paid their retiral dues, this Court framed a scheme for payment of retiral dues and arrears of salary in case of Kamla Prasad Sharma, Vs. State of Bihar and others (CWJC No. 14799 of 2012) heard



analogous with other cases so that the employees may not allege discrimination in matter of payment of their dues. As per the scheme framed by the Court in absence of any statutory rules, the bank would first pay the group insurance amount to all the employees and then the gratuity to be paid within time frame followed by leave encashment and arrears of salary. The order was relied upon and was upheld by Division Bench of this Court in LPA No. 1241 of 2013 disposed on 14.7.2015 and was also relied upon by Hon'ble Jharkhand High Court in LPA No. 222 of 2013. He further submits that this Court however, has observed that in cases of emergency and medical exigencies, bank can make out of turn payment, depending upon situation.

6. The counsel for the petitioners in return has relied upon a decision of this Court dated 21.3.2012 rendered in LPA No. 371 of 2012, in a Division Bench refused to interfere with the direction of the learned Single Judge directing payment of arrears of salary with interest within a time frame.

7. The petitioners also relied upon another Single Judge decision dated 10.4.2014, passed in CWJC No. 2722 of 2008 heard analogous with other cases, whereby the learned Single Judge, in case of another employee, has directed payment of arrears of salary within six months with 6% interest.



8. I find that the Division has not laid down any scheme, but merely declined to interfere with the order of the learned Single judge directing for payment of arrears of salary. The order of learned Single Judge is prior to order dated 10.7.2013, passed in CWJC No. 14799 of 2012 framing a scheme for payment of retiral benefits and arrears of salary to an employee. The similar order passed in C.W.J.C.No. 14799 of 2012 was approved by a Division Bench in LPA No. 1241 of 2013 disposed of on 14.7.2014. As such, this Court would direct payment in terms of scheme so as to avoid arbitrariness in payment of retiral benefits and salary, save and except in exceptional cases or where there is specific order of Courts in facts and circumstances of the case.

9. It goes without saying that in case there is emergent need of money in the situation as laid down in the scheme, it will be open to the petitioners to approach the authorities who would duly consider the same promptly.

10. With the aforesaid observations, the application stands disposed of.

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(Samarendra Pratap Singh, J)