

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.790 of 2014

=====

Uday Kumar Singh , son of Late Awadeshwar Prasad Resident Of Kali Sthan Lane, Mahendru, P.S- Sultanganj, District- Patna.

.... Petitioner

Versus

1. The Bihar Co-Operative Land Development Bank through Its Chairman, Buddha Marg, Patna.
2. The Managing Director, Bihar Co- Operative Land Development Bank, Buddha Marg, Patna.
3. The Director, Bihar Co- Operative Land Development Bank, Buddha Marg, Patna
4. The Regional Manager, Bihar Co- Operative Land Development Bank, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Manoj Kumar

For the Respondents :

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 27-01-2015 Heard learned counsel for the petitioner and learned counsel, who has appeared on behalf of all the respondents.

The petitioner, who on health ground sought voluntary retirement which was accepted on 28.6.2013, has approached this court invoking its writ jurisdiction under Article 226 of the Constitution Of India with a prayer to direct the respondents for making payment of all the retiral benefits with statutory interest. It has also been prayed for directing the respondents for payment of dues salary for 33 months, which is due since May, 2006.

In this case a counter affidavit has been filed on behalf of respondents , however, the claim of petitioner has not been



disputed, but a plea has been taken that claim of petitioner shall be settled in chronological order. In the counter affidavit certain orders have been brought on record to show that this court in number of cases has directed the respondent /Bank to clear the retiral dues in chronological order. On the contrary, learned counsel for the petitioner submits that this court in a writ petition i.e. CWJC No. 16570 of 2011 while allowing the writ petition had directed the Bank to pay the retiral dues within specified time with interest. The said order was approved by a division bench of this court in LPA No. 371 of 2012 by order dated 21.3.2012. Earlier, on 18.12.2014 orally an objection was raised on behalf of the respondents regarding the maintainability of the writ petition. It was orally submitted that Bihar Co-operative Land Development Bank is not a State within the meaning of Article 12 of the Constitution Of India and it is not amenable to the writ jurisdiction. This court adjourned the case to enable learned counsel for the respondents to file appropriate affidavit giving details as to whether the Bank is not a State within the meaning of Article 12 of the Constitution of India. Despite granting number of adjournments, no such affidavit has been filed.

In view of the fact that the claim of petitioner has not

been disputed by respondents in its counter affidavit and only plea has been taken for payment in chronological order, the court is of the opinion that the writ petition can be disposed of with a direction to respondent no. 2 / Managing Director , Bihar Co-operative Land Development Bank to pay all the admitted dues of petitioner within a period of two months from the date of receipt /production of a copy of this order. If payment is not made in respect of claim of petitioner within two months, the petitioner shall be entitled to claim interest at the rate of 6% per annum on all the claim of petitioner.

With above observation and direction, the writ petition stands allowed.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--