

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.440 of 2014

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Ran Vijay Singh Karn S/O Late Rama Awatar Singh Karn Resident Of
Village- Karnasharam, Betwan Bazar, P.S- Kasim Bazar Munger, District-
Munger.

.... Petitioner/s

Versus

1. The Multistate Co-Operative Land Development Bank Ltd. (Bihar And Jharkhand) Budh Marg Patna Through Its Chairman.
2. The Chairman, Multistate Co- Operative Land Development Bank Ltd, (Bihar And Jharkhand), Budh Marg, Patna.
3. The Managing Director, Multistate Co- Operative Land Development Bank Ltd., (Bihar And Jharkhand) Budh Marg, Patna.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.655 of 2014

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1. Manager Singh Son Of Late Ramashray Singh Resident Of Village + P.O. Berath, P.S. Chouri, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Co - Operative, Government Of Bihar, Patna
2. The Bihar State Co - Operative Land Development Bank Limited, Budh Marg, Patna Through Its Managing Director
3. The Managing Director, Bihar State Co - Operative Land Development Bank Ltd., Budh Marg, Patna
4. The Director (Personnel), Bihar State Co - Operative Land Development Bank Ltd., Budh Marg, Patna
5. The Area Manager, Bihar State Cooperative Land Development Bank, Bhojpur At Ara
6. The Branch Manager, Bihar State Cooperative Land Development Bank, Sandesh, District - Bhojpur, Ara

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.2168 of 2014

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1. Sarbeshwar Mishra Son Of Late Ram Ekbal Mishra Resident Of Village- Nandpur, Post Office- Balua, P.S.- Brahmpur, District- Buxar (Bihar)

.... Petitioner/s

Versus

1. The Bihar State Co-Operative Land Development Bank, Budh Marg, Patna Through Its Managing Director, Patna
2. The Managing Director, Bihar State Co-Operative Land Development Bank Ltd., Budh Marg, Patna-800 001
3. The Director (Personnel), Bihar State Co-Operative Land Development

Bank Ltd., Budh Marg, Patna-800 001

4. The Assistant Secretary, Bihar State Co-Operative Land Development Bank Ltd., Budh Marg, Patna-800 001

5. The Senior Accounts Officer Incharge, Land Development Bank, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.2568 of 2014

1. Yogendar Singh S/O Late Ramjatan Singh Resident Of Village+ P.O- Nsratpur,P.S- Sandesh, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Co-Operative, Government Of Bihar, Patna.

2. The Bihar State Co- Operative Land Development Bank Limited, Budh Marg, Patna Through Its Managing Director.

3. The Managing Director, Bihar State Co- Operative Land Development Bank Ltd. Budh Marg, Patna

4. The Director (Personnel), Bihar State Cooperative Development Bank Ltd., Budh Marg, Patna.

5. The Area Manager, Bihar State Cooperative Land Development Bank, Bhojpur At Ara.

6. The Branch Manager, Bihar State Cooperative Land Development Bank, Sandesh, District- Bhojpur, Ara.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.366 of 2015

1. Sanmukh Narayan Pandey Son of Late Raj Keshwar Pandey, Resident of village- Lodhi , P.O. Moresarai, P.S. Sasaram, District- Rohtas..

.... Petitioner/s

Versus

1. The Chairman Inter State Co-operative Land Development Bank Ltd , Budh Marg, Patna-1.

2. The Managing Director, Inter State Co-operative Land Development Bank Ltd. Budh Marg, Patna-1.

3. The Area Manager, Land Development Bank , Ara.

4. The Branch Manager, Land Development Bank , Ara.

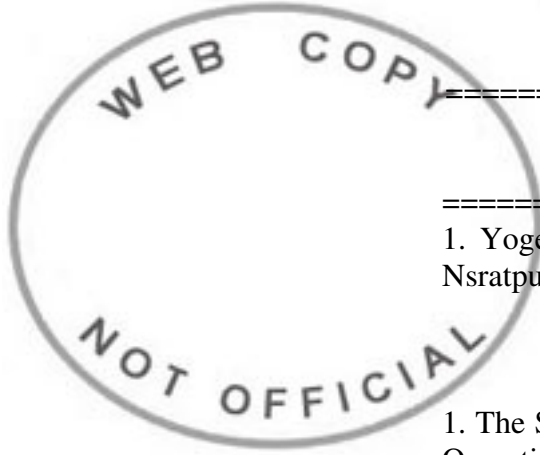
5. The Branch Manager, Land Development Bank , Sasaram.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.2609 of 2015

1. Awadhesh Pandey Son of Late Ambika Dutt Pandey Resident of Village - Akorhi, P.O + P.S - Ramgarh, District - Kaimur(Shabua), at present mahavir nagar, Road, No-5 Beur, Jail Raod, P.O + P.S Beur, Via -



Anishabad, Patna-800002

.... Petitioner/s

Versus

1. The Chairman , Multi State Co-operative Land Development Bank Budh Marg, Patna - 1.
2. Managing Director , Multi State Co-operative Land Development Bank, Budh Margh, Patna-1
3. Area Manager, Land Development Bank, Chapra.
4. Branch Manager, Land Development Bank, Digwara.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.2799 of 2015

1. Awadhesh Pandey Son of Late Ambika Dutt Pandey, resident of village- Akorhi, P.O. + P.S.- Ramgarh, District- Kaimur (Bhabua), at present Mahavir Nagar, Road No. 5, Beur Jail Road, P.O. + P.S.- Beur, Via- Anisabad, Patna- 2

.... Petitioner/s

Versus

1. Chairman, Multi State Co-operative Land Development Bank, Budh Marg, Patna- 1
2. Managing Director, Multi State Co-operative Land Development Bank, Budh Marg, Patna- 1
3. Area Manager, Land Development Bank, Chhapra
4. Branch Manager, Land Development Bank, Sighwara

.... Respondent/s

with

Civil Writ Jurisdiction Case No.4076 of 2015

1. Rajdew Singh son of Yogendra Singh Resident of village - Fatehpur Kasturi, P.S. - Khrhani, District - Muzaffarpur (An Ex-Employee of Bihar State Co-operative Land Development Bank, Budhmarg, Patna).

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Co-operative Societies, Bihar, Patna.
2. The Bihar State Co-operative Land Development Bank Ltd through its Managing Director, Budhmarg, Patna.
3. The Chairman, Bihar State Co-operative Land Development Bank, Budhmarg, Patna.

.... Respondent/s

Appearance :
(In CWJC No.440 of 2014)
For the Petitioner/s : Mr. Naresh Chandra Verma, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.655 of 2014)

For the Petitioner/s : Mr. Pramod Mishra, Adv
For the State : Mr Kumar Priya Ranjan, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.2168 of 2014)

For the Petitioner/s : Mr. Gopal Swaroop Dubey, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.2568 of 2014)

For the Petitioner/s : Mr. Pramod Mishra, Adv
For the State : Mr. A.Ujjwal SC-25
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.366 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.2609 of 2015)

For the Petitioner/s : Mr. Arun Kumar Lal, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.2799 of 2015)

For the Petitioner/s : Mr. Arun Kumar Lal, Adv
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

(In CWJC No.4076 of 2015)

For the Petitioner/s : Mr. Ravi Ranjan, Adv
For the State : Mr. Abinash Kr Sinha, AC to GP29
For the Bank : Mr. Rajesh Prasad Choudhary, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

19 01-07-2015 Heard learned counsel for the parties.

2. All these writ applications relate to service condition of the petitioners who are employees and/or ex employee of Bihar State Co-operative Land Development Bank, (hereinafter referred to as the Bank) either in respect to payment of their salary and/or retirement benefit. Admittedly, the Bank of petitioners being a Multistate Co-operative Development Bank is covered by the provisions of Multi State Co-operative Society Act-2002 (hereinafter referred to as the Act).



3. The aspect that the Bank is a Multi State Co-operative Society, stands settled by a Division Bench judgment of this Court in L.P.A No. 33 of 2011(Bihar Rajya Sahkari Bhumi Vikas Bank Samiti & ors. vs the State of Bihar and Anrs) disposed of on 20.07.2011.

4. Section-84 of the aforesaid Act clearly lays down that any dispute is to be decided by the Central Registrar. Section 84 of the Act infact reads as follows:-

"84. Reference of disputes

(1) Notwithstanding anything contained in any other law for the time being in force, if any dispute [other than a dispute regarding disciplinary action taken by a multi-state cooperative society against its paid employee or an industrial dispute as defined in clause (k) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947)] touching the constitution, management or business of a multi-state cooperative society arises-

(a) among members, past members and persons claiming through members, past members and deceased members, or

(b) between a member, past members and persons claiming through a member, past member or deceased member and the multi-state cooperative society, its board or any officer, agent or employee of the multi-state cooperative society or liquidator, past or

present, or

(c) between the multi-state cooperative society or its board and any past board, any officer, agent or employee, or any past officer, past agent or past employee, heirs or legal representatives of any deceased officer, deceased agent or deceased employee of the multi-state cooperative society, or

(d) between the multi-state cooperative society and any other multistate cooperative society, between a multi-state cooperative society and liquidator of another multi-state cooperative society or between the liquidator of one multi-state cooperative society and the liquidator of another multi-state cooperative society, such dispute shall be referred to arbitration.

(2) For the purposes of sub-section (1), the following shall be deemed to be disputes touching the constitution, management or business of a multi-state cooperative society, namely:-

(a) a claim by the multi-state cooperative society for any debt or demand due to it from a member or the nominee, heirs or legal representatives of a deceased member, whether such debt or demand be admitted or not;

(b) a claim by a surety against the principal debtor where the multistate cooperative society has recovered from the surety any amount in respect of any debt or demand due to it from the principal debtor as a result of the default of the principal debtor, whether such debt or

demand is admitted or not;

(c) any dispute arising in connection with the election of any officer of a multi-state cooperative society.

(3) If any question arises whether a dispute referred to arbitration under this section is or is not a dispute touching the constitution, management or business of a multi-state cooperative society, the decision thereon of the arbitrator shall be final and shall not be called in question in any court.

(4) Where a dispute has been referred to arbitration under sub-section (1), the same shall be settled or decided by the arbitrator to be appointed by the Central Registrar.

(5) Save as otherwise provided under this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to all arbitration under this Act as if the proceedings for arbitration were referred for settlement or decision under the provisions of the Arbitration and Conciliation Act, 1996."

(underlining for emphasis)

5. Thus in terms of Section 84 of the Act the petitioners' remedy as with regard to the dispute between them and the Bank in respect of their payment of salary and/or retirement benefit shall be before the Central Registrar.

6. In that view of the matter, all these writ applications are disposed of with a direction to the Central Registrar of the Multistate Co-operative Society to examine the disputes involved in all these writ applications and take a decision as early as possible keeping in view the claim of retirement benefit and/or payment of salary of the petitioners but in no event beyond a maximum period of six months from the date of receipt of the separate applications of the petitioners to be filed by them alongwith a copy of this order.

7. With the aforementioned observation and direction, these applications are disposed of.

(Mihir Kumar Jha, J)

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