

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14896 of 2012

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1. Triloki Nath S/O Late Baidyanath Prasad At Present Posted At Uttar Bihar Gramin Bank, Branch Runni Saidpur, District Sitamarhi.
 2. Awadh Kishore Sharma S/O Late Maheshwar Prasad Sharma At Present Posted At Uttar Bihar Gramin Bank, Regional Office, District Chapra.
 3. Nitishwar Pd. Shahi S/O Sri Mundrika Pd. Shahi At Present Posted At Uttar Bihar Gramin Bank, Branch Sahbaajpur Ii, District Muzaffarpur.
 4. Anil Kumar S/O Late Pushipati Nath Tiwari At Present Posted At Uttar Bihar Gramin Bank, Branch Bhagwanpurstri, District Vaishali.
 5. Sonelal Ram S/O Sri Saryug Ram At Present Posted At Uttar Bihar Gramin Bank, Branch Hakimpur, District Vaishali.
 6. Sukhdeo Ram S/O Sri Lakshmi Ram At Present Posted At Uttar Bihar Gramin Bank, Branch Olipur, District Sitamarhi.
 7. Ramdas Paswan S/O Late Sryug Paswan At Present Posted At Uttar Bihar Gramin Bank, Branch Shirsia Ii, District Sitamarhi.
 8. Birendra Singh S/O Late Rameshwar Singh At Present Posted At Uttar Bihar Gramin Bank, Branch Baligaon, District Vaishali.
 9. Yogendra Ram S/O Sri Devandan Ram At Present Posted At Uttar Bihar Gramin Bank, Branch Brahmapura, District Muzaffarpur.
 10. Ratneshwar Prasad S/O Sri Khublal Ram At Present Posted At Uttar Bihar Gramin Bank, Branch Dheng, District Sitamarhi.
 11. Mahesh Chandra Sinha S/O Late Rajendra Prasad At Present Posted At Uttar Bihar Gramin Bank, Branch Shahi Minapur, District Muzaffarpur.
 12. Mohd. Annas Sayeedi S/O Late Sayid At Present Posted At Uttar Bihar Gramin Bank, Branch Turki, District Muzaffarpur.
 13. Vishundeo Ram S/O Late Gunjar Ram At Present Posted At Uttar Bihar Gramin Bank, Branch Olha Baaz, District Motihari.
 14. Chandrakant Dwivedi S/O Sri Srish Chandra Dwevedi At Present Posted At Uttar Bihar Gramin Bank, Branch Alineora, District Muzaffarpur.
 15. Surendra Baitha S/O Late Fakira Baitha At Present Posted At Uttar Bihar Gramin Bank, Branch Turki Khararoo, District Vaishali.
 16. Bindeshwar Singh S/O Sri Madhusudan Singh At Present Posted At Uttar Bihar Gramin Bank, Branch Prataptand, District Vaishali.
 17. Nagina Paswan S/O Late Saryug Paswan Village Gobar Sahi, P.O. Khabra, District Muzaffarpur.
 18. Muneshwar Ram S/O Late Narayan Ram R/O Village Bhagwanpur Bochaan, P.O. Bhagwanpur, District Muzaffarpur.
 19. Mithu Ram S/O Late Damri Ram R/O Village + P.O. Prabhat Nagar, Muslim Tola, Bhagwanpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar.
2. The Regional Manager, Uttar Bihar Gramin Bank, Human Resources

- Development, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar.
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar.
4. The Senior Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 24103 of 2013

1. Kishore Narayan S/O Late Sri Ram Chandra Saha Resident Of Village + P.S. Brahmapura Naha, District - Muzaffarpur

.... Petitioner/s

Versus

1. The Chairman Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
2. The Regional Manager, Uttar Bihar Gramin Bank, Human Resources Development, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
4. The Senior Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 24106 of 2013

1. Usha Devi W/O Late Gagan Mahto Resident Of Kalibari Road, Tinpokharia, East Of Fci Godown, District - Muzaffarpur
2. Amit Kumar S/O Late Gagan Mahto Resident Of Kalibari Road, Tinpokharia, East Of Fci Godown, District - Muzaffarpur
3. Manish Kumar S/O Late Gagan Mahto Resident Of Kalibari Road, Tinpokharia, East Of Fci Godown, District - Muzaffarpur
4. Satish Kumar Son Of Late Gagan Mahto Resident Of Kalibari Road, Tinpokharia, East Of Fci Godown, District - Muzaffarpur
5. Phool Kumari Devi W/O Late Shaukhi Ram Resident Of Vill. - Narkatiyaganj, P.O. Bamangama, District - Sitamarhi
6. Rajesh Kumar Ram S/O Late Shaukhi Ram Resident Of Vill. - Narkatiyaganj, P.O. Bamangama, District - Sitamarhi

.... Petitioner/s

Versus

1. The Chairman Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
2. The Regional Manager, Uttar Bihar Gramin Bank, Human Resources Development, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar

Muzaffarpur, Bihar

4. The Senior Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar

.... Respondent/s

Appearance :

(In CWJC No. 14896 of 2012)

(In CWJC No. 24103 of 2013)

(In CWJC No. 24106 of 2013)

For the Petitioner/s : Mr. Chakrapani, Adv.

Mr. Dipak Kumar

For the Respondent/s : Mr. Prabhakar Jha, Adv.
(UBGB)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-01-2015

Shivaji Pandey, J

Heard counsel for the petitioners and the counsel for Uttar Bihar Gramin Bank.

In all three cases common point has been raised and, as such, they have been heard together and are being disposed of by a common order.

In all these cases, there is a dispute with regard to fixation of pay at par with their respective sponsored Bank and also for arrear of salary.

Petitioners of CWJC No. 14896 of 2012 are serving employees of Uttar Bihar Gramin Bank, petitioners of CWJC No. 24103 of 2013 are retired employees of respective Gramin Banks which merged and became Uttar Bihar Gramin Bank and petitioners of CWJC No. 24106 of 2013 are legal heirs of respective Kshetriya Gramin Bank, all of them are seeking common relief. For the sake of convenience, in all cases, the word—"petitioners" is being used.

As it appears, petitioners were promoted from the post of Field Supervisors to Junior Management Grade-I on 1st December 1989. Petitioners started getting salary in terms of 5th bi-partite settlement since September 1993. As employees of other Banks promoted earlier to the aforesaid post, raised a

grievance that the petitioners were getting higher pay scale, though they are juniors and their pay scale should also be brought at par with them.

In CWJC No. 10727 of 1993, this Court has found that persons who were promoted in Management Grade-I in 1981 were getting lower pay scale than persons who were promoted later to the aforesaid post were getting higher pay scale and the Court has directed the Bank to pay to the petitioners of that writ petition the same pay scale which the Junior Officers of the same category were getting and also give the consequential benefits but in stead of equalizing the pay and properly fixing the pay of petitioners of that case, the Bank issued Circular/direction, reduced the pay scale of petitioners below the pay scale of Officers who were promoted in 1981 and also directed for realization of excess payment made to them, vide order dated 15th March 2002 which led to filing of CWJC No. 10504 of 2000 and CWJC No. 4768 of 2002 which ultimately failed but at the time of issuing notice, the Court passed the interim order of stay of recovery of the excess amount of money paid.

After having failed, petitioners filed LPA No. 207 of 2003, the Court issued notice passed the interim order for continuing the stay of recovery of excess amount already made. In view of order of stay, there was no deduction from the pay of these petitioners with respect to others, Bank made recovery of alleged excess payment, as there was no fault and misrepresentation, the Court directed to return the said amount in 20 equal installments and liberty was given to the petitioners and others, for the arrear, they can take appropriate step.

Before dealing with the matter, it will be relevant to take cognizance of some facts as it will be very necessary for disposal of these cases.

As it appears from the record, the RRB employees' Associations were demanding parity of their pay with the employees of the sponsored Bank

on the doctrine of equal pay for equal work and they filed CWJC Nos. 7149-50 of 1982 and 132 of 1982.

After hearing the parties, the Hon'ble Supreme Court passed the order on 1st September 1987 to the effect that the Central Government should constitute National Industrial Tribunal. The Government of India constituted National Industrial Tribunal under the Chairmanship of Justice Abul Reddy, a retired Chief Justice of Andhra Pradesh. The NIT passed the award on 30th April 1990 wherein it was decided that the Officers and employees of RRB would be entitled to equal pay scale at par with sponsored Bank. The Government issued Notification constituting Committee for implementation of NIT award and the Committee recommended it. At the same time, NABARD issued Circular dated 20th March 1993 for implementation of the pay scale at par with sponsored Bank.

It appears that after the cumulative effect of development took place, the Board of Directors in its meeting dated 29th June 1989 decided that the employees of the Uttar Bihar Gramin Bank would get the salary at par with the sponsored Bank notionally with effect from 1989 and would get the actual monetary benefit with effect from 1st April 2011. The Bank has taken a plea that it is a policy decision and in terms of that decision, the pay scale of all have been equalized at par with the sponsored Bank which has been resisted by the petitioners, claimed that it is not the policy decision whereby all employees of the Bank have received equal pay at par with the sponsored Bank. In case of petitioners, they were getting the benefit of 5th Bipartite settlement upto February 2002 but instead of bring their scale of pay at par with employees who were promoted in 1981, illegally lowered it down.

There is no dispute that all the employees of the North Bihar Gramin Bank are getting the pay at par with the employees of the sponsored

Bank with effect from 1st April 2011 in view of equalization of pay as per their respective status but the dispute is only with regard to difference of arrears of salary.

This Court has gone into the matter in CWJC No. 3040 of 2014 and vide order dated 2nd July 2014 refused to accept that the employees are not getting their pay scale at par with sponsored Bank with effect from 1st April 2011 under the policy decision.

In view of aforesaid judgment of a co-ordinate Bench, this Court is of the view that these cases also stand on the equal footing and the result is same.

Accordingly, these writ petitions are dismissed.

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(Shivaji Pandey, J)