

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.447 of 2012

Rajiv Lochan Saran S/O Late Shambhu Nath Sahay R/O Mohalla- Loknathpur,
Ward No. 10, P.O. And P.S.- Dalsing Sarai, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Human Resources
2. Managing Director, Bihar State Co-Operative Bank, Bankipur, Patna
3. District Co-Operative Officer, Madhepura Cum Sahayak Parimapak Madhepura-
Supaul Co-Operative Bank Limited, Madhepura
4. Principal, Sarvjanik High School, Baruwar, Madhubani

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ALOK KUMAR SINHA
For the State Mr. PRASOON SINHA GA2
Mr. Prabhat Kumar, AC to G.A.2

For respondent no.2
Bihar State Cooperative
Bank Ltd. Mr. Prashant Kumar

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 02-02-2016

Heard counsel for the petitioner, the counsel for the State as well as
the respondent no.3.

It is rather an unfortunate case where the petitioner after having
served as Assistant Teacher in a government school retired from the Sarvajanik
High School, Baruwar, Madhubani on 31.03.2002. The provident fund amount of
the petitioner in the sum of Rs. 2, 24,114/- was disbursed and deposited in
Nirmali Branch of Madhepura and Supaul Central Cooperative Bank. A cheque
was issued by the Principal for the said amount in favour of the petitioner on the
said Branch of the Bank on 04.06.2003. It is the case of the petitioner that when
he tried to present the cheque for payment thereof, it was disclosed that the
Branch is closed. Subsequently, it came to the notice that the said Bank has gone

under liquidation. The District Cooperative Officer namely Sri Dilip Kumar Jha was appointed as Liquidation Officer who has been arrayed as respondent no.3. In order to resolve the dispute, this Court called upon respondent no.3 to file an affidavit.

A counter affidavit that has been filed on behalf of respondent no.3 wherein it is admitted that he is presently functioning as Liquidation Officer of the respondent-Bank. The S.B. A/C No. 105 stood in the name of the Headmaster of the Sharvjanik High School, Baruwar in Nirmali Branch in the Bank which was being operated by the then Headmaster. The Bank has gone under liquidation with effect from 04.06.2003. In paragraph 8 & 10 thereof, it is stated thus:-

“8.That as per guidelines of Reserve Bank of India the deposit maintained by the institution is treated as Govt. money and accordingly the amount deposited in S/B Account No.105 (Under Nirmali Branch) is not covered under DICGC Scheme and accordingly no amount is received from the DICGC Scheme.”

10. That as per provision laid down in the Bihar Co-operative Societies Rules 1959, Rules 65 Sub Rule 20(b) the amount will be paid as per priority in case of liquidation given as below:-

Cost of Liquidation.

Dues of employee if any.

Deposition's other the Government deposition's.

Audit fee of Government and lastly the Government dues.”

Counsel for the respondent no.3 has submitted that the deposit shall be treated as government money and as per the Bihar Co-operative Societies Rules, 1959, the amount will be paid as per the priority in case of

liquidation . The amount shall be authorized to the depositor according to the said provision and priority. Whether the amount of the provident fund shall carry interest until it is authorized or paid is an issue which shall also be considered by the official liquidator while disbursing the amount in favour of the petitioner or the depositor/account holder.

Considering the statement made in the counter affidavit, the writ application is disposed of directing the official liquidator to pay the dues of the petitioner or to the account holder, as the case may be, as per the statement made in paragraph 10 of the counter affidavit along with interest, if any, to which the petitioner may be entitled to under the rules/statutory provision.

Considering the fact that the amount was disbursed for payment in favour of the petitioner in the year 2003 by issuing cheque in his favour by the Headmaster of the school which has not till date been paid, a liberty is also granted to the petitioner to approach the Headmaster of the said school with a request to issue a fresh cheque on any other Bank with which the school has an operating bank account.

(Kishore Kumar Mandal, J)

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