

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 980 of 2016

IN

Civil Writ Jurisdiction Case No 16880 of 2007

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- 1 The Bihar State Cooperative Land Development Bank Ltd presently known as Multi State Cooperative Land Development Bank Limited, Bihar-Jharkhand, Budh Marg, Patna through its Chairman
 - 2 The Chairman, Bihar State Cooperative Land Development Bank Ltd, Budh Marg, Patna
 - 3 The Managing Director, The Bihar State Cooperative Land Development Bank Ltd, Budh Marg, Patna
 - 4 The Secretary, Bihar State Cooperative Land Development Bank Ltd, Budh Marg, Patna

.... Appellant/s

Versus

- 1 Banibhushan Ojha, son of late Benimadhav Ojha, resident of Village + PO – Kalo dehari, PS – Chauri, District – Bhojpur (Ara) retired Field Officer, Bihar State Cooperative Land Development Bank, Mahua Branch, District – Vaishali
- 2 The State of Bihar through the Registrar, Cooperative Societies, Bihar, Patna
- 3 Registrar, Cooperative Societies, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajesh Prasad Choudhary, Advocate

For Respondents 2 & 3 : Mr J K Roy – 1, SC 13

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 08-08-2016

As registered notice sent to contesting respondent No 1 has not been returned unserved, it would be deemed that he has been duly noticed. As contesting respondent No 1 has chosen not to appear in spite of stay of the order of the learned Single Judge in his favour, which was passed on 26.07.2016, we deem it fit and proper to dispose of this appeal at this stage itself.

2 The writ petitioner-contesting respondent No 1 herein, has filed the writ petition for payment of arrears of salary and retiral dues. He was an officer in the Bihar State Cooperative Land Development Bank Limited (for brevity, *the Bank*).

3 It may be noted that this matter has been a matter of some concern and large number of writ petitions have been filed in respect of the aforesaid prayer. Different Courts were passing different orders for payment of the dues and its liquidation. Ultimately, the matter came up before this Court in LPA No 1241 of 2013 which was disposed of by a detailed order dated 14.07.2015 affirming the order of the learned Single Judge passed in *CWJC No 14799 of 2012* (Kamla Prasad Sharma –Versus- State of Bihar & Others). These judgments laid down the modality that has to be followed for liquidating the dues of the employees and/or the retired employees of the said Bank. It is expected that all the Courts would follow the said procedure inasmuch as different procedure for different persons would not be in general interest.

4 We, accordingly, allow this appeal, set aside the judgment and order of the learned Single Judge in so far as it sets a period or method different from what was stated in the orders noticed above. The Bank would follow the procedure and norms indicated above.

5 With this modification of the order of the learned Single Judge dated 02.04.2014 passed in *CWJC No 16880 of 2007* (Banibhushan Ojha –Versus- State of Bihar & Others), this Letters Patent Appeal stands disposed of at this stage itself.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

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