

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12321 of 2011

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Satya Narayan Prasad Sinha S/O Late Tribeni Lal Verma R/O Vill.-Dumra, P.O.-
Dumra Via Haspura, Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary Govt. Of Bihar, Patna
3. The Principal Secretary Finance Department, Govt. Of Bihar, Patna
4. The Principal Secretary General Administration Department, Bihar, Patna
5. The Principal Secretary Cooperative Department, Govt. Of Bihar, Patna
6. The Registrar Cooperative Societies, Bihar, Patna
7. The Managing Director State Cooperative Bank, Ashok Raj Path, Patna
8. The Aurangabad District Central Cooperative Bank Through Its Managing
Director Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate.
For the respondent/s : Mr. Girija Shankar Pd, GP 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 15-11-2016

Heard learned counsel for the petitioner and the counsel for
the State.

The present writ application has been preferred by the
petitioner with prayer for quashing the order dated 14.09.2010 passed
by the Registrar Cooperative, Societies, Bihar in Dispute Case No. 144
of 2003 where the claim of extension of age of superannuation of the
petitioner from 58 years to 60 years has been rejected. Further prayer



of the petitioner being PACS Manager is to provide the benefits of age of superannuation from 58 years to 60 years and consequently the petitioner be allowed to discharge the duty till he reaches the age of 60 years.

It appears that initially the association of the petitioner namely, Bihar Rajya Sahkarita Prabandhak Sangh preferred writ application bearing C.W.J.C. No. 5752 of 2008 with similar relief which was dismissed by a coordinate Bench of this Court as not pressed vide order dated 05.09.2008 which reads as under :

“After some argument learned counsel for the petitioner seeks liberty to withdraw this application. This application is dismissed as not pressed.”

Thereafter, the association again preferred writ application bearing C.W.J.C. No. 20122 of 2010 with similar relief. The same was dismissed by a Co-ordinate Bench of this Court vide order dated 19.02.2013 holding that the writ petition is barred by principle of *res-judicata*. However, individual PACS Manager was given liberty to file separate application to seek relief. The order of the writ Court dated 19.02.2013 passed in C.W.J.C. No. 20122 of 2010 was challenged by the association of the petitioner in L.P.A. No. 686 of 2016. The said Letters Patent Appeal was dismissed by a Division Bench of this Court vide order dated 23.09.2016, holding as:



“The question is as to whether what should be the age of superannuation is a decision of the Executive. The appellants, an Association of the employees of the Cooperative Societies cannot seek enhancement of the age of superannuation. The decision to extend the age of superannuation from 58 to 60 years was rightly annulled by the Registrar, Cooperative Societies and later the representation to increase age was not found meritorious.

We do not find any error in the order passed by the Registrar, Co-operative Societies which may warrant interference of this Court in the present Letters Patent Appeal.”

In view of the fact that the claim of the petitioner raised on behalf of the Association of the petitioner has reached its finality in view of the order passed by the Division Bench in L.P.A. No. 686 of 2014, this Court finds no merit in the writ application.

Accordingly, the writ application is dismissed.

(Dinesh Kumar Singh, J)

Prakash/Anil/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.01.2017
Transmission Date	

