

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4526 of 2014

IN

Civil Writ Jurisdiction Case No. 11025 of 2003

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1. Pankaj Kumar Sinha, s/o Late Shankar Dayal, resident of Mohalla Block Colony
P.O.& P.S. Aurangabad, District Aurangabad

.... Petitioner/s

Versus

1. Magadh Gramin Bank Through Its Chairman, Sanjeev Saran, Head Office, Sondiha House, Katari Hill Road, Gaya, P.S. Civil Lines, District Gaya.
2. Sanjeev Saran, The Chairman, Magadh Gramin Bank attached to Punjab National Bank, Head Office, Sondiha House, Katari Hill Road, Gaya, P.S. Civil Lines, District Gaya.
3. Sanjeev Sharan, s/o (not known) currently posted as The Chairman, Magadh Gramin Bank attached to Punjab National Bank, Head Office, Sondiha House, Katari Hill Road, Gaya, P.S. Civil Lines, District Gaya.

.... Respondent/s

with

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Civil Review No. 120 of 2015

IN

Civil Writ Jurisdiction Case No. 11025 of 2003

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1. Pankaj Kumar Sinha S/o Late Shankar Dayal, resident of Mohalla Block Colony, P.O. P.S. & District - Aurangabad.

.... Petitioner/s

Versus

1. Magadh Gramin Bank through its Chairman, Head Office, in Sonidha House, Katari Hill Road, Gaya, Police Station - Civil Lines, District - Gaya.
2. The Chairman, Magadh Gramin Bank Attached to Punjab Nation Bank, having its Head Office in Sonidha House, Katari Hill Road, Gaya, Police Station - Civil Lines, District - Gaya.
3. The Branch Manager, Magadh Gramin Bank, Aurangabad, P.O. P.S. & District - Aurangabad.
4. The Zonal Manager, Punjab National Bank, Chanakya Complex, 'R' Block, Patna.
5. Smt. Pushp Lata Devi, D/o Sri Jagdamba Prasad, resident of village - Rauna, P.S. - Guraru, District - Aurangabad.
6. Neeraj Kumar,
7. Dheeraj Kumar Sinha, Both S/o Late Shankar Dayal, resident of Mohalla Block Colony, P.O. P.S. & District - Aurangabad.

.... Respondent/s

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Appearance :

(In MJC No.4526 of 2014)

For the Petitioner/s : Mr. Harsh Singh
For the Respondent/s : Mr. Mahesh Narayan Parbat
For the Bank : Mr. Prashant Vedasan &
Mr. Subhash Chandra Bose.

(In C. REV. No.120 of 2015)

For the Petitioner/s : Mr. Harsh Singh
For the Respondent/s : Mr. Mahesh Narayan Parbat
For the Bank : M/S. Prashant Vedasan &
Subhash Chandra Bose.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 07-09-2016

M.J.C. No. 4526 of 2014

M.J.C. No. 4526 of 2014 has been filed for non compliance of the judgment and order passed by this Court on 10.04.2013 in C.W.J.C. No. 11025 of 2003.

2.Learned counsel for Madhya Bihar Gramin Bank (erstwhile Magadh Gramin Bank) states that all payments have been duly made to the three petitioners who are sons of Late Shankar Dayal, who died in harness while serving Magadh Gramin Bank.

3. Learned counsel for the petitioner submits that the payment has not been made within the time as directed by the Court and further the payment that was due in 2002, when their father died, has been paid only after the contempt application was filed. It is submitted that as the dues were to be paid or settled as of 2002 and they were paid only after a delay of over 11 years, the petitioners were entitled to statutory interest apart from other interest.

4. In my view, full compliance of the order of this Court not having been done and the settlement was delayed by 11 years for no fault of the petitioners, the petitioners would be entitled to interest on all the aforesaid sum for delayed payment thereof except where the interest has been paid. I would, accordingly, direct the Madhya Bihar Gramin Bank to calculate the un-paid

interest from the date six months after the death of the father of the petitioners till the date when the payments were actually made. If the statutory rate of interest is prescribed, the interest would be paid at that rate but if no statutory rate of interest is prescribed for delayed payment, the interest would be calculated at the rate of 6 per cent per annum. The entire amount must be paid to the petitioners within three months from today.

Civil Review No. 120 of 2015.

5. The writ petition was disposed of on 10.04.2013 with a direction to pay the death-cum-retiral dues in relation to the father of the petitioners, who died in harness while serving Magadh Gramin Bank (now Madhya Bihar Gramin Bank). In spite of the fact that there were pleadings claiming compassionate appointment, no order for compassionate appointment was passed. Orders were passed to settle and pay the death-cum-retiral dues.

6. The writ petition was filed by the petitioners immediately upon death of their father in the year 2003 itself which was finally disposed of in the year 2013. The petitioners were not responsible for the delay in disposal of the writ petition. As such, if the petitioners or any one of them was entitled to compassionate appointment under the Service Rules of the Bank, it was the duty of the Bank to offer the same. The Bank has not done so. There is no order holding that the petitioners were not entitled to compassionate appointment.

7. Learned counsel for the respondent Bank submits that their prayer for compassionate appointment was neither argued nor pressed.

8. Having perused the order of the writ Court, it does not appear that there being such a pleading in the writ petition, it was ever rejected. Thus, the prayer and the entitlement being there, nothing restrains this Court in granting this relief at this stage. The objection taken by the Bank is, thus, rejected.

9. In such a situation, the order dated 10.04.2013 passed in C.W.J.C. No. 11025 of 2003 is modified to the extent that if the petitioners or any one of them is entitled to compassionate appointment, in view of the submissions of the Bank, the respondent Bank would consider the request of the petitioners in accordance with law at the earliest and pass appropriate order within a period of three months from the date of receipt/production of a copy of this order.

10. Accordingly, both the applications stand disposed of with the observation/direction aforesaid.

(Navaniti Prasad Singh, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	