

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.686 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 20122 of 2010**

- =====
1. Bihar Rajya Sahakarita Prabandhak Sangh, Patna, through its Mahamantri Lal Babu Mishra, Son of Sukhsagar Mishra, Resident of Mohalla Basbaria Tola, Sitamarhi, P.S. Sitamarhi, District- Sitamarhi
 2. Badri Prasad, Son of Late Jagdish Prasad, Resident of Village- Bhawanipur Jeerat, P.S. Motihari Sadar, District East Champaran, Motihari

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Secretary, Department of Finance, Old Secretariat, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna
4. The Secretary, Department of Co-operation, New Secretariat, Patna
5. The Registrar, Co-operative Societies, Bihar, Patna
6. The Managing Director, State Co-operative Bank, Ashok Raj Path, Patna
7. The Sitamarhi District Central Co-operative Bank Limited, Sitamarhi, through its Managing Director
8. The Motihari District Central Co-operative Bank Limited, Motihari, through its Managing Director
9. The Managing Director, Sitamarhi, District Central Co-operative Bank Limited, Sitamarhi Dumra, Sitamarhi
10. The Managing Director, Motihari District Central Co-operative Bank Limited, Motihari

.... Respondents

=====

Appearance:

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate. Mr. Shyam Bihari Singh, Advocate.
For the State	:	Mr. Chittranjan Sinha, PAAG-2. Mr. Ranjan Kumar Singh, AC to PAAG-2.
For the Bihar State Co-operative Bank	:	Mr. K. K. Sinha, Advocate Mr. Shashi Shekhar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 23-09-2016

The challenge in the present Letters Patent Appeal is to

an order dated 19.12.2013 passed by learned Single Bench of this Court, whereby the writ petition claiming enhancement of the age of superannuation from 58 to 60 years was declined.

2. Earlier, the appellants had filed a writ application bearing C.W.J.C. No. 5752 of 2008 which was withdrawn as not pressed on 05.09.2008. It is, thereafter, the appellant submitted a representation to the Registrar, Co-operative Societies, Bihar, Patna for increasing their age of superannuation which was declined on 14.09.2010/27.09.2010. It is the said decision which was challenged before the learned Single Bench.

3. The Registrar in his order has found that the decision to extend the age of superannuation from 58 years to 60 years was annulled in view of the fact that the Cooperative Societies in the State are in financial distress and they are not in a position to even pay salary to the employees, therefore, increase in retirement age is not warranted.

4. 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.

5. 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.

6. Accordingly, present Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	29.09.2016
Transmission Date	