

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1777 of 2013

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Bihar Rajya Sahkarita Prabandhak Sangh, District Unit Begusarai Through Its
Secretary, Rama Kant Singh Son Of Late Satya Dev Singh Resident Of Village
Annour Kiratpur, Police Station Muffasil, District Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through Commissioner-Cum-Secretary, Department Of Co-Operative , Govt. Of Bihar, New Secretariat, Patna
2. The Registrar, Department Of Co-Operative , Govt. Of Bihar, New Secretariat, Patna
3. The District Magistrate, Begusarai
4. The Managing Director, Bihar State Co-Operative Bank Ltd, Ashok Raj Path, Patna
5. The Managing Director-Cum-Member Secretary Begusarai Central Co-Operative Bank Ltd. Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narain Singh, Adv.
Mr. Kundan Kumar Sinha, Adv.
Mr. Rita Verma, Adv.

For the Resp. No.4 : Mr. N.N. Ojha, Adv.

For the Resp. No.5 : Mr. K.K. Sinha, Adv.

For the State : Mr. Ram Prawesh Kr. AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-02-2016

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

In this case the petitioner, an Association, has claimed
that the PACS Manager has not been paid salary since 1.9.2008. The
District Central Cooperative Bank, Begusarai is the controlling
authority with regard to distribution of salary of the PACS Manager.
The fund has to be credited by the contribution to be made by the



Primary Agricultural Co-operative Societies (hereinafter to be referred to as 'the PACS'). The second contributory is the District Central Cooperative Bank, Begusarai and the third one is the Bihar State Cooperative Bank. They have to contribute according to their own share. The major share of contribution is the PACS.

An affidavit has been filed on behalf of the Bihar State Cooperative Bank Ltd. that the contribution from their side up to 2014-15 has already been deposited in the account no.1 from where the salary has to be paid to the PACS Manager. The only dispute lies here is with regard to deposit of contribution from the PACS. As per the learned counsel for the petitioner, the payment has to be made from the advancement of the loan at the rate of 1.25%. It has further been stated that the borrower gets loan from the bank not directly from the PACS. It is the bank who distributes the loan and it is the bounden duty to deposit the ratio in the account no.1 and it will be treated to be the contribution of the PACS whereas learned counsel for the District Cooperative Bank, Begusarai submits that the argument that has been advanced by the petitioner is misplaced. It is the PACS which has to contribute the amount. Earlier only six PACS were depositing the contribution out of 256 PACS operating in the district and later on six PACS had stopped depositing of the contribution. Complete salary cannot be given to the PACS Manager.

Unless the salary to the extent of share of the two banks in pro rata basis is to be distributed. Here the dispute is with regard to in what manner the money has to be retrieved from the PACS.

The Registrar, Cooperative Department is the highest authority of all the Cooperative Societies under which all the Cooperative Societies functions. Ultimately, the Registrar is the controlling authority to ensure proper function of the cooperative society. The Managing Director of District Central Cooperative Bank, Begusarai has been made administrative head for the purpose of distribution of salary to the PACS Manager from the cadre fund and incidental matter.

Really it is the dispute to the extent that in what manner the share of the PACS will come to that fund. Either it is in the shape of contribution or in the shape of deduction of share from the loan amount of borrower. This Court, in the end of justice, would direct the Registrar, Cooperative Society as well as the Managing Director of the District Central Cooperative Bank, Begusarai to sit together and find out modalities and manner in which the contribution of the PACS to be deposited in the district cadre fund so that the PACS Manager would get their salary regularly without any break. It is also supposed that both the Cooperative Banks will also deposit their respective shares without any delay to that fund so that without any hindrance,

the payment of salary could be made to the PACs Manager. Accordingly, this Court would direct to both the authorities to sit together and resolve the dispute within a period of two months from the date of receipt of a copy of this order by the Registrar.

In the meantime, the Bank is directed to release the salary of the petitioner to the extent the share of the District Central Cooperative Bank, Begusarai and the Bihar State Cooperative Bank.

Learned counsel for the District Central Cooperative Bank, Begusarai has submitted that the Bank has already paid salary to the PACS Manager proportionately upto the extent of its shares as it has received Rs. 2,19,000/- as a contribution from the Bihar State Cooperative Bank as stated in their affidavit filed by the Bank. The Bank will distribute the salary proportionately to PACS Manager.

Let the Bank distribute the amount whatever it is available in the cadre fund to the respective PACS Manager. If the Central Cooperative Bank, Begusarai has not paid the amount, then in such circumstances, it will be ensured by the Bank that it would examine his books of account. If it has not been deposited, the same will be deposited and will be distributed to the PACS Manager without delay. Let the Registrar and the Managing Director of the District Cooperative Bank take a decision within a period of two months from the date of receipt of this order.

It is made clear that all the PACS Managers are not the employees of the Bank and they are employees of the PACS.

With the aforementioned observations and directions, this application is disposed of.

(Shivaji Pandey, J)

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