IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21124 of 2014

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1. Arun Chandra Gupta Son of Late Beni Madhav Prasad Gupta Ward No.-11, Near Fancy Market, Sadar Road, Farbesganj, District-Araria.

.... Petitioner/s

Versus

1. The Chairman Uttar Bihar Gramin Bank, Head Officer-Kalambagh Chowk, Muzaffarpur.
2. The General Managar, (Post Retirement Deptt.), Uttar Biahr Gramin Bank, Head Office-Kalambagh Chowk, Muzaffarpur.
3. The Regional Manager, Uttar Bihar Gramin Bank, Araria.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Diwakar Sinha
For the Respondent/s : Mr. Mahendra Pathak

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 12-05-2016

The petitioner wants a direction upon the respondent Uttar Bihar Gramin Bank, Muzaffarpur to settle his terminal benefits since he has superannuated quite a time ago.

Prayer of the petitioner is rather innocuous and can be treated to be legitimate provided the Court is willing to ignore the fact which has now emerged from the counter affidavit filed on behalf of the respondent Bank.

The fact, in short, is that the petitioner was arrested by the Vigilance Department of the Government of Bihar red handed for receiving illegal gratification on 23.01.2007. Petitioner was remanded to judicial custody till he was enlarged on bail on 14.06.2007 by the High Court. Now he has superannuated but the Vigilance case is not yet over.

The stand of the Bank is that the Service Regulation 30, sub-clause (3) creates a bar on settlement of such claims at this juncture. The right of the petitioner will be decided on the outcome of the trial. If the petitioner is convicted, then the Bank will not be duty bound to pay terminal benefits or can also decide to pay some and withhold others but in case the petitioner is acquitted the Bank does not shy away from taking a decision that all such benefits will be settled.

So long as the Regulation is not declared to be ultra vires, it will continue to operate. The Regulation has been quoted extensively in paragraph 7 of the counter affidavit and on reading the same, it supports the stand taken in the counter affidavit.

In view of the above, it will be difficult for this Court to pass any direction which will amount to nullifying the effect of the Regulation.

It will be in the interest of things that the criminal case is hereby expedited for which the petitioner may take steps so that his position that he was falsely implicated can be vindicated and the Bank thereafter will be obliged to settle his claim for which the present writ application has been filed.

This writ application is, thus, dismissed at this juncture.

(Ajay Kumar Tripathi, J)

Amin/-

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CAV DATE	
Uploading Date	
Transmission Date	