

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12182 of 2015

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1. Shatrughan Mukhiya son of Late Vidyanand Mukhiya, resident of village-
Paharpur, P.O.- Kedlipatti, P.S.- Nauhatta, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operatives, Government of Bihar, Patna
2. The Bihar State Co-operative Land Development Bank Ltd., Budh Marg, Patna through its Managing Director
3. The Managing Director, Bihar State Co-operative Land Development Bank Ltd., Budh Marg, Patna
4. The Accounts Officer, Land Development Bank, Patna
5. The Statistics Officer, Land Development Bank, Patna
6. The Zonal Manager, Land Development Bank, Saharsa
7. The Branch Manager, Land Development Bank, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. GA3- VINAY KIRTI SINGH

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 17-05-2016

Heard the Counsel for the petitioner and Mr. R.P.

Choudhary for the respondent Bihar State Co-operative Land
Development Bank (for short 'the Bank')

In paragraph 1 of the writ application, the petitioner has
prayed as under:-

“1. That the petitioner above-named craves for indulgence of this Hon'ble Court by way of issuance of any appropriate writ preferably in the nature of Mandamus commanding and directing the Respondents concerned to pay the petitioner his due post retiral benefits of Voluntary Retirement amounting to sum of Rs. 58,253=00 (fifty eight thousand two hundred and fifty three only) along with a penal interest, as the poor fourth grade employee has opted and allowed pre-superannuation retirement w.e.f. 31.01.2007 under

V.R.S. Scheme of the Respondent Bank dated 19.12.2006, but till date nothing has been paid save and except amount of G.P.F. and Group Insurance. And/or any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”

Counsel for the respondent Bank has produced a judgment passed by a Division Bench of this Court in L.P.A. No. 1241 of 2013 (The Bihar State Co-operative Land Development Bank and Ors. vs. Ram Karan Singh). The Court would extract relevant part of the said judgment which reads as under:-

“The grievance of the learned Senior Counsel for the appellants in this regard is that, notwithstanding the aforesaid scheme, employees, who come to this Court or who had come earlier to this Court, are benefiting by orders of payment disregarding the scheme and writs are being issued for payment disregarding either the seriatim or the scheme. We are of the considered view that at least, in judicial matters, uniformity is expected by the citizens and, accordingly, when once a Court has formulated a scheme, which is working well and is for the benefit of all the employees without discrimination, it is expected that all Courts would follow the same. This would not only control the unnecessary litigation but would be transparent in implementation.

As we are not disputing or denying the right of the contesting private respondent, who was the writ petitioner and whose claim or entitlement which even the Bank has not denied, in the facts and circumstances noted above, we set aside the order under appeal being order dated 23.09.2011 passed in CWJC No 6012 of 2008, without even notice to the contesting respondent, the writ petitioner with a direction that the detailed scheme, as envisaged by the Court and noticed above, would be strictly adhered to all payments in respect of arrears that are to be made to the retired employees. It is expected

that within next six months, all heads, with the exception of arrears of salary, would be cleared in respect of all employees. Thereafter, in the same manner proportionately, all employees would be paid their arrears from time to time, notices whereof would, as already indicated, be given at all offices and branches of the Bank. It is hoped and expected that all Courts, for the sake of uniformity, would seek to adhere to the scheme, as indicated above.”

The Scheme formulated under the order of this Court by

the respondent Bank has got approval of the Division Bench. This Court would, therefore, desist from directing payment of the post retiral dues contrary to the said Scheme of the respondent Bank.

The writ application is disposed of directing the respondent Bank to pay the admissible retiral dues of the petitioner as claimed in the application in accord with the Scheme and the observation of the Division Bench noted hereinabove.

(Kishore Kumar Mandal, J)

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