

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16288 of 2008

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Manager Singh, S/O- Late Ramasharya Singh, R/O+P.O.-Berath, P.S. –
Chouri, District – Bhojpura at Ara.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
2. The Managing Director Bihar State Co-operative Land Development Bank Limited, Bihar, Patna.
3. The Director Personal, Bihar State Co-operative Land Development Bank Limited, Bihar, Patna.
4. The Accounts Officer, Bihar State Co-operative Land Development Bank Limited, Bihar, Patna.

.... Respondents

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with

Civil Writ Jurisdiction Case No.16435 of 2008

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Yogendra Singh, Son of Shree Ram Jatan Singh, Resident of Village &
P.O. – Nasratpur, P.S. – Sandesh, District – Bhojpur.

.... Petitioner

Versus

1. Bihar State Co-Operative Land Development Bank Limited, Budh Marg, Patna-1 through its Managing Director.
2. The Managing Director Bihar State Co-operative Land Development Bank Limited, Budh Marg, Patna.
3. The Director Personal, Bihar State Co-operative Land Development Bank Limited, Budh Marg, Patna.
4. The Senior Accounts Officer, Land Development Bank, Patna.
5. The Manager, Land Development Bank, Sandesh Sub-Branch, Sandesh, District – Bhojpur.

.... Respondents

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Appearance :

(In CWJC No.16288 of 2008)

For the Petitioner : Mr. Mrigank Mauli, Advocate.
Mr. Vinay Mistry, Advocate.

For the Respondents : Mr. (Aag5)
Mr. Rajesh Pd.Choudhary

(In CWJC No.16435 of 2008)

For the Petitioner : Mr. Abhay Shanker Singh, Advocate.
Mr. S.C.Keshari, Advocate.

For the Respondents : Mr. Rajesh Pd. Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 09-02-2017

Heard both sides.



2. The petitioners prayed for issuance of direction to the respondents bank for payment of all the benefits to the petitioners who took voluntary retirement in Voluntary Retirement Scheme 2006. The petitioners took their voluntary retirement with effect from 01.02.2007, but their retiral benefits were not paid.

3. Learned counsel for the Bank submits that many writ petitions were filed in this case and in the case of Kamla Prasad Sharma vs. the State of Bihar and Others, a Single Bench of this Court has formulated a scheme for payment of the retiral benefits to the retired employees. The relevant portion of the order dated 09.04.2013 reads as follows:

Now, coming to liquidation of other dues, instead of adopting payment of seriatim basis, I direct the Bank first to take steps for clearing the Group Insurance liability of all retired employees in seriatim to the date of their retirement. Once that is done they would then take up Gratuity. Once Group Insurance and Gratuity of all retired employees are cleared, they would then take up Leave Encashment (leave salary) and, thereafter, they would take up payment of arrears of salary. The Bank would strictly follow seriatim in this regard. They would



have to inform the retired employees accordingly so that they know when payment would be due under which head.

4. Learned counsel appearing on behalf of the bank has submitted that the bank is paying according to the seriatim. The petitioners have also received the payments on different heads such as Group Insurance, Leave Encashment (leave salary), CPF, gratuity and now only arrears of salary and *ex-gratia* payment are to be paid. The bank shall make payment to the petitioners according to the scheme formulated by this Court in Kamla Prasad Sharma vs. the State of Bihar and Others case. Learned counsel for the bank also submits that the petitioners shall be informed accordingly when their arrears of salary and payment of *ex-gratia* shall be made.

5. Learned counsel for the petitioners however submits that the petitioners took voluntary retirement according to the schemes of the bank but no payment was made to the petitioners in accordance with the aforesaid scheme.

6. From the facts, itself, it appears that many persons retired or took voluntary retirement from the bank under the scheme, but the bank could not be able to make payment to its retired employees. Many persons filed the writ petition in this Court and the bank is paying according to the scheme as laid down in Kamla Prasad



Sharma vs. the State of Bihar and Others case in CWJC No. 14799 of 2012.

7. Considering the facts that the bank still got paucity of funds and the bank is making payment according to the seriatim of the scheme formulated by this Court in Kamla Prasad Sharma’s case and accordingly, I dispose of both the writ petitions with direction that the bank shall make payment as according to the scheme laid down in aforesaid case.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	

