

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1328 of 2015
IN
Civil Writ Jurisdiction Case No. 11559 of 2013

- =====
1. The Managing Director, Multi State Cooperative Land Development Bank Limited, Bihar - Jharkhand, Budh Marg, Patna
 2. The Branch Manager, Land Development Bank Bikaramganj

.... Appellant/s

Versus

1. Ram Bihari Singh Son of Narmadeshwar Singh Residence of Mohalla Singh Colony, Pakri Ara, P.S. Nawada, District - Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Rajesh Prasad Choudhary, Advocate
For the Respondent/s	:	Mr. D.K. Tandon, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-09-2017

Interlocutory Application No. 5808 of 2015

The present Interlocutory Application has been
filed for condonation of delay in filing of the appeal.

Keeping in view the reasons indicated in the
Interlocutory Application, the same is allowed. The delay in filing of



the appeal is condoned.

Accordingly, Interlocutory Application No. 5808 of 2015 stands allowed and disposed of.

On 20th of December, 2013, the Writ Court in Civil Writ Jurisdiction Case No. 11559 of 2013 directed that the application filed by the petitioner, respondent herein, for settlement of his dues should be verified, his claim looked into and within a period of three months, the amount should be settled and paid to him.

Even though the matter is kept pending and this appeal has been filed thereafter, we find that with regard to liquidation of the dues of the Bank in question various issues were raised and right from the year 2007, the matter was pending. In various writ petitions filed by individual employees, orders were passed from time to time for settling the claim of the employees. As available on record is the order dated 08.08.2016 passed by a Division Bench of this Court in L.P.A. No. 980 of 2016. In the aforesaid order the learned Writ Court has taken note of various aspects with respect to liquidation of the Bank in question, settlement of the claim of the employees and found that in the case of Kamla Prasad Sharma versus State of Bihar & Others passed in Civil Writ Jurisdiction Case No. 14799 of 2012, a scheme has been formulated, wherein modality has



been laid down for settling the claim of the employees concerned. In para 3 of the order passed on 08.08.2016 in L.P.A. No. 980 of 2016, the Division Bench issued the following directions.

“3. It may be noted that this matter has been a matter of some concern and large number of writ petitions have been filed in respect of the aforesaid prayer. Different Courts were passing different orders for payment of the dues and its liquidation. Ultimately, the matter came up before this Court in LPA No 1241 of 2013 which was disposed of by a detailed order dated 14.07.2015 affirming the order of the learned Single Judge passed in CWJC No 14799 of 2012(Kamla Prasad Sharma-Versus-State of Bihar & Others). These judgments laid down the modality that has to be followed for liquidating the dues of the employees and/or the retired employees of the said Bank. It is expected that all the Courts would follow the said procedure inasmuch as different procedure for different persons would not be in general interest.”

Now the only prayer made before us in this appeal by the Bank is that following the modalities as laid down and the principles as reiterated by the Division Bench in para 3 of the order passed on 08.08.2016 in L.P.A. No. 980 of 2016, the Bank will strictly adhere to the same and settle the claim of the petitioner, respondent herein, as has been determined.

Even though learned counsel for the appellant vehemently argues that this appeal has been filed after a long period of time, the case of the respondent should be settled without waiting for complying with the directions issued which was passed much after



the direction was issued in his writ petition on 20th of December, 2013 and the order passed in L.P.A. No. 980 of 2016 on 08.08.2016 should not be implemented in his case, we are of the considered view that merely on such consideration, the prayer of the Bank cannot be rejected. From the records, we find that various writ petitions have been filed by the employees and it seems that different orders have been passed by various Benches and it is because of all these reasons the observations and directions were passed as reproduced hereinabove in para 3 of the order dated 08.08.2016 in L.P.A. No. 980 of 2016. Once the Writ Court, after being conscious of various orders passed in the writ petition has issued the aforesaid directions, there is no reason as to why the said direction should not be made applicable in the instant case also.

If the aforesaid principle is not followed, it would amount to arbitral disbursement of the amount. There may be grievances of the employees with regard to the settlement of the claim in a different manner. Once the learned Division Bench has approved the modalities, the Bank should strictly adhere to the same and settle the claim of all the employees as per the modalities fixed by the Court to avoid arbitrariness of unjustified settlement of the claim.

Accordingly, we allow the appeal in part. Even



though the appellants shall settle the claim as directed by the Writ Court on 20th of December, 2013, but the claim raised be paid to the respondent in accordance to the modalities approved by the Court in the case of Kamla Prasad Sharma versus State of Bihar and direction issued in para 3 reproduced hereinabove in L.P.A. No. 980 of 2016.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
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