

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4465 of 2009

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Kaushal Kumar, S/o late Shiv Ram Prasad Singh, resident of village – Mirganj, P.O. Vazirganj, P.S. Vazirganj, Distt.- Gaya at present residing at Postal Park, Indira Nagar, Road No. 9, Gali No. 3, P.S. Jakkanpur, District – Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Addl. Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Patna, Bihar.
- 2/A. The Commissioner-cum-Secretary, Co-operation, Govt. of Bihar Patna, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Govt. of Bihar, New Secretariat, Patna.
4. The Chairman, The Bihar State Co-operative Bank Ltd. Ashok Rajpath, Patna – 800004, P.S. Pirbahore, District – Patna.
5. The Managing Director, The Bihar State Co-operative Bank Ltd. Ashok Rajpath, Patna – 800004, P.S. Pirbahore, Distt. – Patna.
6. The Deputy General Manager, Personnel and Administration, The Bihar State Co-operative Bank Ltd. Patna – 800004, P.S. Pirbahore, Distt. Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar

For the Respondent/s : AC to GA - 6

Mr. Santosh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 08-05-2017

Heard Sri Utsav Kumar, learned counsel for the petitioner, learned A.C. to Govt. Advocate – 6 as well as Sri Santosh Kumar Singh, learned counsel, who has appeared on behalf of respondent no. 4 to 6/Bihar State Cooperative Bank Limited.

The petitioner, who superannuated with effect from 31-03-2005 from the Bihar State Cooperative Bank Limited (hereinafter referred to as the ‘Bank’), has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to issue writ of certiorari for quashing of an order



dated 12-12-2008 passed by the Managing Director of the Bank/respondent no. 5, whereby, representation filed by the petitioner, in compliance with the order dated 15-07-2008 passed in C.W.J.C. No. 8500 of 2005, was rejected.

Prior to filing of the present petition, the petitioner had earlier approached this Court by filing a writ petition, vide C.W.J.C. No. 8500 of 2005. The petitioner was aggrieved with order dated 31-03-2005 whereby the petitioner was directed to superannuate with effect from 31-03-2005 after completion of 58 years of age. In the writ petition, a plea was taken that Government of Bihar had enhanced the age of retirement of its employees from 58 years to 60 years and this decision was taken on 24-03-2005. The said writ petition was disposed of on 15-07-2008 granting liberty to the petitioner to file representation before the Managing Director of the Bank, who was required to examine the representation and pass appropriate order in accordance with law. After the order of the writ court, the petitioner filed representation and finally, the Managing Director, by its order dated 12-12-2008, has rejected the representation of the petitioner by giving detailed reasons. The said order has been assailed in the present writ petition.

In sum and substance, it has been argued by learned counsel for the petitioner that once the Government of Bihar had



taken a decision to enhance the age of retirement of its employees from 58 years to 60 years, which was made applicable w.e.f. 24-03-2005, in the Bank, where the petitioner was employed, the said date was required to be made applicable and as such, a prayer has been made to direct the respondents to consider his date of retirement w.e.f. 31-03-2007 in place of 31-03-2005 and grant all consequential benefit.

In this case, a counter affidavit has been filed on behalf of respondent no. 4, 5 and 6. Sri Santosh Kumar Singh, learned counsel for the Bank, by way of referring to fact disclosed in the counter affidavit as well as the impugned order, has argued that the Bihar State Cooperative Bank Ltd. is a registered society under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'Cooperative Act') and it is guided by the decision taken by the Cooperative Registrar under Section 66(B) of the Cooperative Act. He submits that in the order impugned itself, it has categorically been stated that after the resolution of the State Government dated 24-03-2005, the matter was discussed in the meeting of the Board of the Bank and on 21-04-2005, the Board resolved to enhance the age of retirement of its employees. However, subsequently decision of the Bank was approved by the Registrar, Cooperative Societies and finally, the age of retirement was enhanced in the Bank, which was



made applicable w.e.f. 31-05-2005. It has been argued that since, as per earlier age of superannuation i.e. 58 years, the petitioner had already superannuated on 31-03-2005 i.e. much prior to decision taken by the Bank to enhance the age of retirement, there was no reason to consider the case of the petitioner for enhancing his age and to make the date of enhancement of age of retirement applicable with retrospective effect.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. On going through the materials available on record, the Court is satisfied that respondent no. 5 has rightly rejected the claim of the petitioner assigning detailed reason. On going through the record, it is evident that in the Bank, the date of retirement was enhanced w.e.f. 31-05-2005 and prior to adoption of enhanced age of retirement i.e. from 58 years to 60 years, the petitioner had already been superannuated w.e.f. 31-03-2005. Accordingly, I do not find any error in the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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AFR/NAFR	NAFR
CAV DATE	N/A
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