

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9028 of 2015

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1. Ganesh Sharma Son of Late Yamuna Sharma resident of village Alhanparasi, Post Office - Singharhi, Police Station - Goh, District - Aurangabad at present at Adarsh Colony, Sarvodaya Nagar near Maltikunj, Aurangabad, Post Office, Police Station and District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Cooperative , Government of Bihar, New Secretariat, Baily Road, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna New Secretariat, Baily Road, Patna.
3. The Regional Commissioner, Provident Fund Organization, R-Block, Patna.
4. The District Central Cooperative Bank, Aurangabad through its Managing Director.
5. The Managing Director, District Central Cooperative Bank, Aurangabad.
6. The Board of Directors, District Central Cooperative Bank, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar
For the Respondent/s : Mr. Surendra Pd. Singh.
For the State : Mr. Sayed Md. Najmul Bari, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-08-2017

Heard learned counsel for the petitioner, learned counsel for the Central Cooperative Bank, Aurangabad and learned counsel for the State.

The petitioner was initially appointed as Manager in Sheikhpura Primary Agriculture Credit Cooperative Societies (for short "PACS") under Goh Block of Aurangabad district on 18.08.1981. He was subsequently appointed in Central Cooperative Bank, Aurangabad w.e.f. 02.01.1995, pursuant to an order dated



02.01.1995 passed by the Hon'ble Supreme Court in SLP (C) No. 8594 of 1993. Though, order of appointment of the petitioner was issued on 22.02.1995, he was treated to have been appointed with effect from 02.01.1995, being the date of order passed by the Hon'ble Supreme Court.

The grievance of the petitioner is that the service rendered by him as PACS Manager has not been counted for the purpose of determination of his retiral benefits. Earlier, the petitioner had approached this Court with similar prayer in C.W.J.C. No. 4298 of 2014, which was disposed of vide order dated 18.04.2014 directing the Managing Director, Central Cooperative Bank, Aurangabad to dispose of the petitioner's representation dated 25.01.2014. Thereafter, the Managing Director of the Central Cooperative Society Ltd., Aurangabad, by order dated 28.10.2014, rejected the representation of the petitioner.

Learned counsel for the petitioner has submitted that the order passed by the Managing Director, as contained in Memo No. 516 dated 28.10.2014 (Annexure-5), is erroneous in law. He has submitted that since the petitioner was appointed pursuant to the order passed by the Hon'ble Supreme Court, his past service as PACS Manager ought to have been counted for the purpose of pension.

On the other hand, learned counsel appearing for the



Central Cooperative Bank Ltd., Aurangabad has submitted that the Supreme Court had issued no direction that the past service of the petitioner rendered in PACS, be also counted for the purpose of pension. He has submitted that the services of the petitioner and similarly situated persons, who were appointed pursuant to the order of the Supreme Court, have been counted in the Bank with effect from 02.01.1995, as the order was passed by the Supreme Court on that day. He has submitted that the Central Cooperative Bank, Aurangabad is separate and distinct from the PACS, where the petitioner had earlier worked. He has submitted that there is nothing in the by-laws of Aurangabad Central Cooperative Bank Ltd. under which the services rendered by the petitioner in PACS could have been counted for the purpose of pension by the Central Cooperative Bank.

Having heard learned counsels for the parties, I see no merit in the contention of the petitioner. The petitioner has already been granted his admissible retiral benefits. There is no dispute to the fact that the respondent Cooperative Bank has counted the service of the petitioner for determining his retiral benefits with effect from the date of his appointment. The order of the Supreme Court has not been annexed to the present application and there is no other material, on the basis of which, it can be gathered that the petitioner is entitled for counting of his retiral benefits with effect from the date, which is prior



to the date of his appointment. On being questioned by the Court, learned counsel for the petitioner has admitted that the Supreme Court did not direct the respondents to count the past service of the petitioner rendered in PACS.

In that view of the matter, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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CAV DATE	
Uploading Date	28.08.2017
Transmission Date	

