

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1674 of 2015
IN
Civil Writ Jurisdiction Case No. 1615 of 1997**

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The Sasaram Bhabhua Central Cooperative Bank Ltd., through its Managing Director, Sasaram (Rohtas.).

.... Appellant

Versus

1. The State of Bihar
2. The Registrar, Co-operative Societies, Bihar, Patna
3. Shri Shiv Narain Rai, Managing Director, Sasaram Bhabhua Central Co-operative Bank Ltd. Sasaram, Rohtas
4. Shri Satish Kumar Singh Ex-Managing Director, Sasaram Bhabhua Central Co-operative Bank Ltd. Sasaram, Rohtas.
5. Shri Vijay Kumar Mandal, Ex-Chairman, Sasaram Bhabhua Central Co-operative Bank Ltd. Sasaram, Rohtas.
6. The Administrator of the Sasaram Bhabhua Central Co-operative Bank Ltd. Sasaram, Rohtas.
7. Shri Vijay Bahadur Singh son of not known, Assistant.
8. Shri Brij Bihari Thakur Son of not known, Peon.
9. Shri Mohan Prasad Singh Son of not known, Assistant.
10. Shri Chandra Shekhar Singh Son of not known, Peon.
11. Shri chandrama Singh, son of not known, Peon.
12. Shri Kailash Prasad Son of not known, Peon.
13. Shri Bhikhari Pandey Son of not known, Peon
14. shri Mangal Singh son of not known, Peon.
15. Shri Chote Lal Ram Son of not known, Peon.
16. Shri Ram Kant Ojha son of not known, Assistant
17. Shri Birendra kumar Rai Son of not known, Peon.
18. Shri Sushil kumar Dubey Son of not known, Assistant.
19. Shri Uma Shanker Shukla son of not known, Assistant.
20. Shri Md. Zahid Mustafa son of not known, Assistant.
21. Shri Ram Singh son of Jamuna Prasad Singh, Assistant.
22. Shri Ramendra Prasad Rai son of not known, Assistant.
23. Shri Satish Kumar Singh Son of not known Assistant.
24. Shri Awadhesh Singh son of not known Assistant.
25. Shri Janki Sharan Singh son of not known, Assistant.
26. Shri Ajay kumar Pandey son of not known, Assistant.
27. Shri Anjani Lal Singh son of not known, Assistant.
28. Shri Randhir Bahadur Singh son of not known, Assistant.
29. Smt. Kiran Bala wife of not known , Assistant.
30. Shri Sanjay Pratap singh son of not known, Assistant. null
31. Shri Mahendra Prasad Singh son of not known, Assistant.
32. Md. Multan Ansari son of not known, Assistant.
33. Shri Surendra Nath Ojha son of not known, Assistant.
34. Shri Rana Rudra Pratap Singh son of not known, Assistant.
35. Shri Bhanu Prakash Shrivastava son of not known, Assistant.
36. Shri Parmanand Singh son of not known, Peon.
37. shri Binoba Shankar Sharma Son of name not known, Driver. Serial No. 7 to 37



- all Respondents through the Managing Director, Sasaram Bhabhua Central Co-operative Bank Ltd, Sasaram Rohtas.
38. Raghunath Prasad Son of Shri Manik Chand Prasad of Village- Kontoli (Fatak) P.O. Sasaram, District Rohtas(Sasaram)
 39. Kamlakant Singh son of Shri Awadhesh Singh of Village -Kushri, P.O. Darigaon, District Rohtas.
 40. Tejbahadur Singh Son of Shri Balkeshwar Singh of Village & P.O. Barki Mahuli, Via Takia Bazar ,District Rohtas(Sasaram)
 41. Upendra Singh son of Jag Narain Singh of Village- Surharia, P.O Agarbala, district Rohtas(Sasaram)
 42. Dhananjai Pratap Rai son of Shri Ramkant Rai of village + P.O- Panchpokhari,District Rohtas (Sasaram)
 43. Ram Kumar Singh son of Shri Rajgrih Singh of Village -Parwan, P.O. Nonsari, District Rohtas.
 44. Arun Kumar Singh son of Shri Kameshwar Singh of Village Atarniganj, P.O. Nasriganj, District Rohtas (Sasaram)
 45. Shiv Shankar Singh son of Shri Ram Kumar Singh of Village Bishrampur, P.O Khuriya, District Rohtas (Sasaram)
 46. Girija Shankar Singh son of Sheodhar Singh of Village + P.O-Nayakagaon, District Rohtas.
 47. Ashok kumar Singh S/o Rambilas Singh of Village -Kaithi, P.O. Bhadhokhra, Rohtas(Sasaram)
 48. Rabindra Kumar Singh son of Shri Gorakhnath Singh Village + P.O. -Sebnai, District Gajipur (U.P)
 49. Hira Prasad Singh son of Shri Khakhana Singh of Village -Morikap, P.O. Darigaon, District Rohtas(Sasaram)

.... Respondents

Appearance :

For the Appellant : Mr. Y.V. Giri, Sr. Advocate
Mr. Ishwari Singh, Advocate
Mr. Surendra Kumar Mishra, Advocate
For Private Respondents : Mr. Rajendra Nath Sinha, Advocate
For the State : Mr. S. Raza Ahmad, AAG

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

C.A.V. JUDGMENT

(Per: HONOURABLE JUSTICE SMT. NILU AGRAWAL)

Date: 30-01-2017

Delay of 12 days in filing the appeal is condoned.

2. I.A. No. 7569 of 2015 for condonation of delay is allowed.

3. Appellant, Sasaram-Bhabhua Central Cooperative



Bank Ltd. (hereinafter referred to as the Bank) was respondent Nos. 5 to 7 in C.W.J.C. No. 1615 of 1997 filed by private respondent Nos. 38 to 49, who were the writ petitioners. Writ petitioners, who were working as daily wagers on Class-III and Class-IV posts, had challenged their termination order dated 14.09.1988, which was also assailed in an earlier round of litigation filed by the writ petitioners being C.W.J.C. No. 2272 of 1994, which was disposed of by order dated 18.07.1995 relegating the writ petitioners to the Registrar, Cooperative Societies. Writ petitioners also assailed the order dated 02.12.1996 by which their claim was rejected by the Registrar, Cooperative Societies in Misc. Case No. 174 of 1995.

4. Writ petitioners assailed the order of termination on the ground that respondent Nos. 8 to 18 and respondent Nos. 19 to 38 in the writ application were engaged by the Bank on daily wage against Class-III, Class-IV post, but their engagement was regularised and the writ petitioners were terminated, infracting Articles 14, 16 of the Constitution of India. The writ application was allowed on 18.11.2010 along with another analogous case directing the Bank to consider the case of the writ petitioners in the light of the case of respondent Nos. 19 to 38 of the writ application.

5. The aforesaid order dated 18.11.2010 was challenged by the Bank by filing L.P.A. Nos. 440 of 2011 and 443 of



2011, which was allowed with costs and the matter was remitted back for fresh hearing as the Bank had not filed counter affidavit. Matter was reheard and the order impugned dated 20.07.2015 was passed.

6. Writ petitioners had averred that respondent Nos. 8 to 18 were engaged as daily wager between the years 1980-81 and were regularised between the years 1983-84. So far as respondent Nos. 19 to 38 are concerned, it was submitted that they were engaged on daily wage basis between the years 1985-86 and were regularised on 15.01.1988 as they had completed three years of engagement, whereas the writ petitioners, who were also appointed in the years 1986, 1987 and 1988 and their services were terminated because their engagement as daily wager was not legal and were not similarly situated as respondent Nos. 19 to 38. However, the writ petitioners submitted that respondent Nos. 19 to 38 were engaged between the years 1985-86 and had not completed three years of engagement as daily wager in the Bank but were regularised on 15.01.1988, whereas writ petitioners, whose case was similar to that of respondent Nos. 19 to 38, had not been given parity with them, discriminated and terminated.

7. The learned Single Judge allowed the writ application on the ground of discrimination holding the writ petitioners at par with respondent Nos. 19 to 38. As was the stand of



the Bank in the writ application as in appeal that respondent Nos. 19 to 38 were not similarly situated could not be supported by any substantial material, except bald statement.

8. Similar persons should be given similar treatment so that uniformity is maintained. This is also envisaged in the Bihar State Litigation Policy, 2011.

9. Thus, the order of the learned Single Judge granting parity with respondent Nos. 19 to 38 cannot be faulted. No interference is called for of the order of learned Single Judge. Appeal is dismissed.

(Nilu Agrawal, J)

I agree.
Ajay Kumar Tripathi, J

(Ajay Kumar Tripathi, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	19.01.2017
Uploading Date	30.01.2017
Transmission Date	

