

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.814 of 2016
IN
Civil Writ Jurisdiction Case No. 11619 of 1999**

- =====
1. Bihar State Cooperative Land Development Bank Ltd. Presently known as Multi State Cooperative Land Development Bank Ltd, Bihar Jharkhand, Budh Marg, Patna through its Managing Director.
 2. The Managing Director (at the relevant time administrator) Bihar State Cooperative Land Development Bank Ltd.
 3. Deputy Managing Director (Administration) presently no Deputy Managing Director.
 4. Sri Atul Kumar Sinha (Since Retires) Conducting Officer, Bihar State Cooperative Land Development Bank, Ltd.

.... Appellant/s

Versus

1. Smt. Madhuri Devi Seth wife of Late Mahabir Prasad @ Mahabir Sah son of Late Ramashis Prasad resident of village - Dumarasan, P.S. Masarakh, Distt - Saran.
2. Khusbu Kumari daughter of Late Mahabir Prasad @ Mahabir Sah resident of village - Dumarasan, P.S. Masarakh, Distt - Saran.
3. The State of Bihar through the Secretary, Deptt. of Cooperative, Govt. of Bihar.
4. Sri Shivraj Ram, Field Officer, Son of Mangani Ram Land Development Bank, Masarakh Branch, Masarakh.
5. Sri Ambika Prasad Yadav Son of Late Lakhan Pd. Yadav Field Officer, Masarakh Branch, at the relevant time posted at Marhora Branch.

.... 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. Madhusudan Kumar, 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: 23-08-2017

Delay of 136 days in filing the appeal is condoned. I.A. No.3215 of 2016 is allowed and disposed of.

Having heard learned counsel for the parties, and after persuasion from the Court to the learned Counsel for the Bank, taking note of the fact that respondent No.1 is a widowed lady and respondent No.2 is her unmarried daughter, a suggestion was made as to whether the Bank would be willing to forego certain part of the back wages and, therefore, the order of the learned Writ Court can be modified, in all fairness, learned Senior Counsel representing the Bank, on instruction, pointed out that the Bank is willing for disposal of the matter by modifying the order allowing only 50% of the back wages.

We find the proposal to be reasonable and justifiable and learned counsel appearing for the applicant also accepts the same.

Keeping in view the aforesaid, the application is disposed by modifying the order passed by the learned Writ Court in C.W.J.C. No.11619 of 1999. The order, insofar as it declares the dismissal as illegal, requires no modification, but the consequential benefit of arrears of salary for the entire period is restricted to 50% of the salary.



With the aforesaid modification to the order passed, this appeal is disposed of.

The order be complied with within a period of 60 days.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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