

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9864 of 2009

- =====
1. Sri Kedar Nath Singh, son of Late Rampukar Singh, R/O village-Akauna Ghat, P.S.- Barhara, District- Bhojpur at Arrah.
 2. Sri Shree Ram Ray, S/O Sri Garjan Rai, R/O- Village- Nuan, P.S.- Krishnabrahm, District- Buxar.
 3. Sri Narendra Kumar Singh, S/O Late Dwarika Prasad Singh, R/O village- Krishnapur, P.S- Hilsa, District- Nalanda.
 4. Most. Leelawati Devi, W/O Late Mishri Lal, R/O Mohalla- Darogakuan, Hilsa, P.S.- Hilsa, District- Nalanda.

.... Petitioners

Versus

1. The State of Bihar.
2. The Managing Director, Bihar Rajya Sahkari Bhumi Vikas Bank, Samiti, Budha Marg, Patna-1.
3. The Chairman, Bihar Rajya Sahkari Bhumi Vikas Bank Samiti, Budha marg, Patna-1.
4. The Registrar, Co-Operative Department, New Secretariat, Bailey Road, Patna.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the State : Mr. Subodh Kumar Mishra, A.C. to G.P.-14
For the Bank : Mr. Rajesh Prasad Chaudhary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Multi State Cooperative Land Development Bank Limited, Bihar and Jharkhand.

In this case, limited grievance has been made that the petitioner has not been paid the arrears of salary as mentioned in



paragraph no.1 of the writ petition and having claimed that he is entitled to arrears of salary, but the Bank has deprived of the same.

The Bank has come out with an affidavit that on account of having financial constringency the payments are being made in terms of the seniority as they do not have sufficient fund to pay the arrears of salary of the employee in one go, so as and when the turn comes the payment of arrears of salary will be paid. All the retiral dues are being paid in terms of the scheme formulated by this Court. As there was serious litigation with the State for amount of Rs.570 crores. The Arbitrator decided in favour of the Bank, which was challenged by the State before the District Judge, Civil Court, Patna, but the maintainability of the application under Section 34 of the Arbitration Act, was challenged before this Court in writ jurisdiction, which was rejected, but the L.P.A. was allowed, which has been challenged by the State, is pending before the Hon'ble Supreme Court.

Learned counsel for the Bank has submitted that as the Bank do not have sufficient fund to give any exact date for payment of arrears of salary and other retiral dues, but he ensures that there will be no deviation in seniority in payment of arrears of salary to any employee save and except on the direction of this Court in special circumstance.



In such view of the matter, this Court cannot give a positive direction for payment of dues of the petitioner by a definite time, but it is presumed that the Bank will pay the arrears of salary and other retiral dues as and when his turn will come.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	26.02.2018
Transmission Date	N/A.

