

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6628 of 2015

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Amod Prasad, S/o Late Deo Nandan Singh, R/o Mohalla- Mini L.I.C. Colony Near
Radha Swami Satsang Bhavan, Chitragupta Nagar, P.S.- Kankarbagh, Patna-20,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Department
Government of Bihar, Patna.
2. Bihar State Co-operative Bank Ltd. Ashok Raj Path, Patna-4 through its
Managing Director.
3. Managing Director, Bihar State Co-operative Bank Ltd., Ashok Raj Path, Patna-
4.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the B.S.C.B.L. : Mr. Nishi Nath Ojha, Advocate
For the State : Mr. Kumar Pankaj, A.C. to S.C. 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-08-2018

Heard learned counsel for the petitioner; State and Bihar
State Co-operative Bank Limited (hereinafter referred to as the
'Bank').

2. The petitioner has moved the Court for the following
reliefs:



“A. For quashing letter no. 879 dated 29.12.2014 (Annexure-11) whereby the representation of petitioner for payment of statutory interest @ 10% and interest at 10% with quarterly rest for the period of delay in payment of gratuity and leave salary respectively has been most illegally and arbitrarily rejected by the Respondents by a non speaking order and without assigning any reason inspite of order dated 06.03.2012 of this Hon’ble Court passed in a similar matter in L.P.A. No. 1401 of 2011 where by the Hon’ble Division Bench passed order for payment of interest at the aforesaid rates from the date it became due to the date of its actual payment to a similarly situated employee of the said Bank. The said order of Hon’ble Division Bench was complied by the Respondents and payment as per the aforesaid order was made not only to the Appellant in that case but subsequently to other similarly situated employees also.

B. For holding that the petitioner is legally entitled for payment of interest at the aforesaid rates as per statutory provision and the order of Hon’ble Division Bench in a similar matter, in L.P.A. No. 1401 of 2011.

C. For a direction to the Respondents to make payment of statutory interest @ 10% on gratuity and interest @ 10% with quarterly rest on leave salary respectively to the petitioner from the date they become due to the date of actual payment.

D. For any other relief/reliefs to which the petitioner may be deemed entitled to.”

3. The relief claimed is against the Bank.

4. In view of the law laid down by the Special Bench of this Court in the case of **The Organizer, Dehri C.D. & C.M. Union Ltd. vs. State of Bihar** reported as **2014(1) PLJR 695**, writ petition against a Co-operative Society is not maintainable. The Bank being a registered Co-operative Society, thus, is not amenable to writ



jurisdiction.

5. Accordingly, the writ petition stands disposed off.

6. However, the petitioner shall be at liberty to move before the appropriate forum/authorities, in accordance with law, for the redressal of his grievance as raised in the writ application.

(Ahsanuddin Amanullah, J.)

P. Kumar

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