

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19027 of 2013

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Smt. Kamla Devi, Wife of Late Prem Shankar Maharaj, Resident of Village -
Kharika, P.S. - Sonapur, District – Saran.

.... Petitioner/s

Versus

1. The Patliputra Central Co-Operative Bank Ltd. through its Chairman, S.P. Verma Road, Patna.
2. The Administrator, Patliputra Central Co-Operative Bank Ltd., S.P. Verma Road, Patna.
3. The Managing Director, Patliputra Central Co-Operative Bank Ltd., S.P. Verma Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate

For the Respondent/s : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-05-2018

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

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

“That this is an application for issuance of appropriate writ(s)/direction(s), commanding the respondents to pay the remaining dues under the heading of gratuity and leave encashment amounting Rs.83,885/- with statutory interest as well as monetary benefit of 2nd time bound promotion w.e.f. 01.01.1998, increment for the year 1997-98, dues of salaries for the period of dismissal (1.1.97 to 11.05.98), remaining dues of provident fund, full salary with increments, Dearness Allowance etc. and rest Group Insurance and also for grant of all other consequential benefits/ reliefs for which the petitioner is found



entitled to”.

3. At the very outset, learned counsel for the Bank raised a preliminary objection against the maintainability of the writ petition. He submitted that in terms of the order of the Larger 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**, it has been held that the writ petition against a Co-operative Society is not maintainable and, thus, the present writ application being covered by the judgment, is fit to be dismissed. However, he submitted that even on merits, he has filed his counter affidavit which discloses that all admissible dues have been paid.

4. Learned counsel petitioner submitted that with regard to payment of Provident Fund and Group Insurance, the same is without any interest as only the amount deducted/deposited on behalf of the petitioner has been paid. It was further submitted that even some portion of Gratuity has been withheld, and some amount deducted and also the payment of arrears of salary has not been correctly made as no increment has been added after May, 1991.

5. Learned counsel for the Bank submitted that for the said grievances, the petitioner can always approach the authorities by filing a comprehensive representation.

6. Having regard to the aforesaid, the Court finds that



no positive order can be passed in the present writ application. Accordingly, the same stands disposed off.

7. However, as has been agreed by learned counsel for the Bank, the petitioner shall have liberty to file a detailed representation with regard to her grievances relating to either any deduction or less payment or no payment, under any head. If such a representation is filed within four weeks from today before the respondent no. 3, he shall look into the matter and after getting it verified from the records, pass a reasoned order on the claim of the petitioner within four weeks from the date of filing such representation. If it transpires that anything further is required to be paid to the petitioner in terms of the order passed, the same shall be paid to her within the next four weeks.

(Ahsanuddin Amanullah, J.)

P. Kumar

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