

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1022 of 2017

IN

Civil Writ Jurisdiction Case No. 2819 of 2014

- =====
1. Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk (wongly mentioned as Lallanbagh Chowk), Muzaffarpur, District Muzaffarpur, Bihar through its Chairman. null null
 2. The Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, District Muzaffarpur, Bihar.
 3. The Branch Manager, Uttar Bihar Gramin Bank, Laxmanpur (wrongly mentioned as Laxumanpur), Barbatta Branch, District Vaishali.

.... respondents- Appellant/s

Versus

Lakshmeshwar Prasad Roy Alias Rai, son of Bhagat Narayan Rai, Resident of Village and Post Office Dahuli, Via. Chandanpatti, Police Station Shakara, District- Muzaffarpur.

.... Petitioner -Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Vedasen

For the Respondent/s : Mr. Sanjay Kumar Verma

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-02-2018

Seeking exception to an order dated 20th June, 2017 passed by the learned Writ Court in CWJC No. 2819 of 2014 this appeal has been filed under Clause 10 of the Letters Patent by the Bank.

Having heard learned counsel for the parties at length, we find that the respondent-employee was working in the Bank in question. He is facing a criminal case and the matter is pending before the competent criminal court. In the meanwhile, he has retired and



therefore, after taking note of the provision of Rule-30 of the Uttar Bihar Gramin Bank (Officers & Employees) Service Regulations, 2010, governing the service conditions of the employees, the learned Writ Court has held that merely because the criminal trial is pending, payment of retiral benefit cannot be withheld and has directed for release of certain benefits.

In doing so, in our considered view, the learned Writ Court has not committed any error. The Regulation only speaks about action be taken after the employee is convicted and when the conviction is yet to take place based on the Regulation, on account of retirement of the employee, if pension is directed to be paid we see no error in the same warranting reconsideration.

The appeal being devoid of merit stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

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