

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17813 of 2017

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Anil Kumar, S/o Sri Tribhuwan Prasad Singh, Resident of Village-Sorampur,
Post - Belhowri, P.S. - Dulhin Bazar, Dist - Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Patna.
2. Bihar State Beverages Corporation Ltd. through its Managing Director,
Vidyut Bhawan - II, 1st Floor, Jawahar Lal Nehru Marg, Patna.
3. The Managing Director, Bihar State Beverages Corporation Ltd. Vidyut
Bhawan - II, 1st Floor, Jawahar Lal Nehru Marg, Patna.
4. General Manager (Finance), Bihar State Beverages Corporation Ltd. Vidyut
Bhawan - II, 1st Floor Jawahar Lal Nehru Marg, Patna.
5. General Manager, Human Resources & Administration, Bihar State
Beverages Corporation Ltd., Vidyut Bhawan - II, 1st Floor, Jawaharlal Nehru
Marg, Patna.
6. Manager, Human Resources & Administration, Bihar State Beverages
Corporation Ltd. Vidyut Bhawan -II, 1st Floor, Jawahar Lal Nehru Marg,
Patna.
7. The Chairman, Bhumi Vikash Bank, Budha Marg, Patna.
8. The Managing Director, Bhumi Vikash Bank, Budha Marg, Patna.
9. The Assistant Secretary, Bhumi Vikash Bank, Budha Marg, Patna.
10. The Vigilance Officer, Bhumi Vikash Bank, Budha Marg, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Senior Advocate Mr. Bijay Shankar Choubey
For the State	:	Mr. Sriram Krishna, A.C. to S.C.-11
For Bhumi Vikash Bank	:	Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 12-07-2018

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bank.



2. The petitioner initially challenged the order of his repatriation from the Bihar State Beverages Corporation to the Multi State Cooperative Land Development Bank as in the letter dated 20.04.2017 it has been mentioned that on account of certain financial irregularities a proceeding was initiated and his services have been dispensed with.

3. During the pendency of the writ petition, the petitioner has filed an Interlocutory Application being I.A. No.5045 of 2018, wherein the prayer has been made against the Bank that the letter of termination is a back-dated and liable to be set aside.

4. Originally, the petitioner is/was an employee of the Multi State Cooperative Land Development Bank and for certain period the petitioner alongwith others were deputed in the Bihar State Beverages Corporation, but not as permanent employees. The Corporation has not large number of permanent employees as Corporation used to take the employees from different Organizations including the Bank. It appears that the petitioner was originally employee of the Bank but proceeded departmentally, ultimately, has been dismissed from service. This statement has been made in the said letter dated 20.04.2017.



5. Learned counsel for the petitioner has tried to impress upon this Court that it is a back-dated dismissal letter and it requires interference by this Court as different correspondences of the letters between the Bank and the Beverages Corporation reflects no such action of termination was taken against the petitioner.

6. So far the maintainability of the writ petitioner against the Bank is concerned, the same has been decided by the Special Bench of this Court in the case of ***The Organizer, Dehri, C.D. & C.M. Union Limited vs. The State of Bihar and Others***, reported in ***2014(1) PLJR, 695***, wherein the Court has held that the writ petition is not maintainable against the Cooperative society.

7. So far the repatriation of petitioner is concerned, it cannot create a vested right to an employee to remain all time to deputed Organization and the parent organization has inherent right to withdraw deputationist at any time, inasmuch as, in the said letter, it has been mentioned that he has been dismissed from the service, so the question of his continuation in the Bihar Beverages Corporation does not arise, as order of termination is starring at the face of the petitioner.



8. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	21.07.2018
Transmission Date	N/A.

