

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2168 of 2015

IN

Civil Writ Jurisdiction Case No. 19745 of 2010

- =====
1. The General Manager, UCO Bank ,Head Office, Retail Banking Department ,
10 B.T.M Sarain, Kolkata-700001
 2. The Chief Officer, Retail Banking Department , 10 B.T.M Sarain, Kolkata-
700001
 3. The Zonal Manager, UCO Bank , Zonal Office, Patna.
 4. The Assistant General Manager, UCO Bank, Zonal Office, Patna.
 5. Senior Manager, Sangrampur Branch, UCO Bank, Sangrampur,

.... Appellant/s

Versus

1. Md. Mukhatar Ali son of Aslam Askari Resident of Alamganj Narkat Ghat
Lane, P.S Alamganj, District Patna.
2. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent/s : Mr. S.A. Alam, Advocate
Mrs. Anjum Perveen, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2017

Having heard learned counsel for the parties, we are of
the considered view that in allowing the writ petition filed by the
petitioner and holding that acceptance of his offer for voluntary
retirement prior to the due date is not permissible under law, the
learned Writ Court has not committed any error and the same is



based on the principle of law laid down in the case of P. Lal vs. Union of India & Ors., (2003) 3 SCC 393, and various other cases referred to by the learned Writ Court in the judgment.

We find the learned Writ Court to have decided the legal question in accordance with law and, therefore, to that extent no indulgence into the matter is called for. However, we find that after the cause of action accrued, the petitioner did not file the writ petition within the reasonable time, but after a period of more than one year on 16.11.2010. That being so, the direction issued by the learned Writ Court to pay him arrears of salary from the date of the impugned order being passed on 23.5.2009 till his actual date of superannuation needs modification. The petitioner would get the arrears of salary only from the date he filed the writ petition till his actual date of superannuation. This apart, in the facts and circumstances of the case imposing the cost of Rs.25,000/- was not called for as the petitioner is also responsible for some delay in approaching this Court.

Keeping in view the aforesaid, we allow this appeal in part and modify the order of the learned Writ Court to the extent that the petitioner would get the arrears of salary only from the date he filed the writ petition till his actual date of superannuation. However, the entire period shall be treated as period spent on duty



for calculating pensionary benefits. Payment of cost is also set aside.

All the payments in pursuance of this order shall be undertaken and paid within six weeks from today.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.5.2017
Transmission Date	N/A

