

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17940 of 2019

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Deo Shankar Kunwar, Son of Late Rajeshwar Kunwar, Resident of Village-
Bangara (Nadipar), P.O.- Puchhari, Police Station- Jalalpur, District- Saran at
Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Co-Operative Department, Govt. of Bihar, Patna.
2. The Registrar Co-Operative Societies, Bihar, Patna.
3. Deputy Registrar (Cane) Co-Operative Societies, Bihar, Patna.
4. The Bhagalpur Central Co-Operative Bank Limited Bhagalpur through its Managing Director, Bhagalpur Central Co-Operative Bank Limited, Bhagalpur.
5. The Managing Director, Bhagalpur Central Co-Operative Bank Limited, Bhagalpur.
6. The Branch Manager Bhagalpur Central Co-Operative Bank Limited, Naugachhia Branch Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For Respondents 4&5	:	Mr. Rakesh Kumar Jha, Advocate
For the State	:	Mr. Uday Bhan Singh, AC to GP-19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-10-2019 Heard learned counsel for the parties.

2. The petitioner is aggrieved by an order dated 28.09.2018, passed by the Deputy Registrar, Cooperative Societies whereby his claim for grant of regular pay-scale of Peon/ Grade-4 employee under Bhagalpur Central Cooperative Bank, Bhagalpur has not been accepted.

3. On perusal of the writ application, I find that the petitioner was asked by the Managing Director of the Bank to



work as Security Guard at Naugachhia Branch of the Bank with effect from 01.04.2007. It is the petitioner's case that he was allowed Rs. 4,850=00 per month as salary by subsequent order of the Managing Director issued on 31.05.2007. The petitioner is claiming that he is entitled for regular scale of pay admissible to sub-staff/ Peon/Driver working under the Bank as decided by the Board of Directors of the Bank.

4. Petitioner had earlier approached this Court by filing a writ application giving rise to CWJC No. 8663 of 2014, which was disposed of with a direction to consider his case along with the cases of other similar circumstanced persons. It is in the background of the said order of this Court that the Deputy Registrar, Cooperative Societies has passed the order dated 28.09.2018, which is impugned in the present writ application.

5. It is noticeable from the impugned order dated 28.09.2018 that the petitioner could not establish before the Deputy Registrar about the post against which he was appointed in accordance with law.

6. Since the petitioner has failed to produce any material to establish his claim, the Deputy Registrar refused to entertain the petitioner's request and allowed him to approach the Bank for grant of appropriate honorarium in the light of



inflation from the date of his earlier engagement.

7. I am not inclined to consider the claim of the petitioner as raised in the writ application since I do not find any basis for his engagement by order dated 24.03.2007 passed by the Managing Director of the Bank. No recruitment process was undertaken after publication of advertisement.

8. I do not find any justification to interfere with the impugned order. The writ application stands dismissed. It will, however, be open for the petitioner to pursue his remedy in terms of the observation made in the order of the Deputy Registrar, Cooperative Societies, which is impugned in the present writ application.

(Chakradhari Sharan Singh, J)

Rajesh/-

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