

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18549 of 2017

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Nawal Kishor Prasad Singh, Son of Late Rajendra Prasad Singh, Resident of Bharti House, Rahamganj (Back of Outdoor Ward of D.M.C.H. Darbhanga), P.S.- Laheriasarai, Darbhanga- 846004.

... .. Petitioner/s

Versus

1. The Uttar Bihar Gramin Bank, Head Office -Kalambagh Chowk, District-Muzaffarpur-842001 (Bihar) through its Chairman.
2. The Chairman, Uttar Bihar Gramin Bank, Kalambagh Chowk, District-Muzaffarpur- 842001 (Bihar).
3. The General Manager, Uttar Bihar Gramin Bank, Kalambagh Chowk, District- Muzaffarpur- 842001 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Purushottam Kumar Jha, laerned counsel for the petitioner and Mr. Prabhakar Jha, learned counsel for the Uttar Bihar Gramin Bank (hereinafter referred to as the ‘Bank’).

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

“(i) For setting aside Reference No. HO/DAD/10/17-18/No. 302 dated 17.10.2016 (Annexure-5) issued by the Respondent No. 3, whereby he has held that the Petitioner will not be entitled for the payment of Retirement Benefits until the proceeding pending in connection with the Economic Offence Police Case is completed and final orders are passed thereof except Petitioner’s own contribution to the P.F.



(ii) The Respondent No. 3 may be suitably directed to ensure the payment of Petitioner's all the unpaid Terminal Benefits, without any further delay, that too, along with interest, for the period, it has been unauthorizedly withheld by the Respondent Bank.

(iii) For grant of any other relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case."

4. At the outset, learned counsel for the petitioner submitted that the petitioner is identically situated to Lakshmeshwar Prasad Roy @ Rai, who had filed CWJC No. 2819 of 2014, which was allowed by judgment dated 20.06.2017 and the Bank was directed to make payment of retiral dues as pendency of criminal investigation could not be a ground for withholding the same. It was submitted that the Bank moved before the Division Bench in LPA No. 1022 of 2017, against the said order but the same was dismissed on 26.02.2018 and pursuant thereto, the person has been paid his retiral dues.

5. Leaned counsel for the Bank opposed the writ application. However, on a direct query of the Court as to whether the issue involved in the present case stands decided by the aforesaid judgment of the writ Court as well as the appellate Court, learned counsel fairly stated that the issue is same and the petitioner is identically situated to Lakshmeshwar Prasad Roy @ Rai.



6. Having regard to the aforesaid, the writ petition stands disposed off in similar terms to order dated 20.06.2017 passed in CWJC No. 2819 of 2014.

7. Learned counsel for the petitioner submitted that he may be permitted to represent before the Bank for grant of interest. In view thereof, without expressing any opinion on the merits of such claim, the Court grants liberty to the petitioner to file representation before the competent authority of the Bank for such claim based on all materials which is available to him, including orders of the Court. If such a representation is filed within four weeks from today, the authority concerned shall dispose off the same by passing a reasoned order within four weeks from the date of filing of the representation.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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