

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17822 of 2017

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Prem Chandra Prasad son of Ganesh Rai, resident of Village- Mohaddipur, P.O.- Rampur via Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The Bihar State Cooperative Land
2. The District Manager, Land Development Bank, Saran at Chapra.
3. The Branch Manager, Land Development Bank, Garkha Branch, Saran at Chapra.
4. The Commissioner, Central Provident Fund Office, R. Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Adv.
For the Respondent/s : Mr.Rajesh Prasad Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 28-09-2020 Heard learned counsel for the petitioner and learned counsel for the Bihar State Cooperative Land Development Limited.

The petitioner has filed the instant writ application for directing the respondents to make payment of the retiral dues of the petitioner along with interest at the rate of 12% per annum with costs and for other reliefs.

The case of the petitioner in brief is that he joined the service of the Bihar State Cooperative Land Development Bank Limited, Patna (hereinafter referred to as 'the Bank') in the year 1981 on the vacant and sanctioned post of typist. He retired from service on 31.10.2015 while officiating at I/c Bank Manager, Branch Garkha in the District of Siwan. It is further



contended that although the petitioner received a sum of Rs. 4.20 lakhs under the head of CPF, no other payment was made to the petitioner under the post retiral dues under the heads of group insurance, leave salary and gratuity. He has also not been given the benefit of the time bound promotion and the 7th pay revision scheme. A representation was filed by him on 30.6.2017 (Annexure-4) but the same continues to remain pending and the dues have also not been paid.

A counter affidavit has been filed on behalf of the respondent Bank, wherein a preliminary objection has been raised with respect to the maintainability of the writ application. It is submitted by learned counsel for the Bank that in view of the judgment of the special bench in the case of **The Organizer, Dehri C.D. & C.M. Union Limited vs State of Bihar and Ors. (2014 (1) PLJR 695)** the writ application against the Cooperative Society is not maintainable if the affairs of the society is managed by its Board of Directors. Further reliance is placed on order dated 14.9.2015 (Annexure-A) to the counter affidavit passed in CWJC No. 16267 of 2007 and analogous cases wherein the writ applications were held to be not maintainable.

Having heard learned counsel for the parties and



taking into consideration the materials on record this writ application is also disposed of in terms of the order dated 14.9.2015 passed in CWJC no. 16267/2007 and analogous cases, relevant portion of which is being quoted herein below:

“ Learned counsel for the petitioners are not in position to distinguish the aforementioned order of this Court nor they can come out to distinguish the judgment of the Special Bench in the case of The Organizer, Dehri CD & CM Union Limited (supra).

That being so, this Court in view of its earlier order dated 01.07.2015 in the case of Ranvijay Singh Karn (supra) and its analogous cases, while holding the writ petitions to be not maintainable, would only give liberty to the petitioners to file their representation before the Central Registrar of the Multi State Cooperative Society, who shall examine the same and do the needful as is enjoined upon him under Section-84 of the Multi State Co-operative Society Act.”

The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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