

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10634 of 2018**

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Awadhesh Kumar, son of Ramashre Singh, resident of Village- Karauta, P.S. Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. Multi State Co-operative Land Development Bank (Bihar-Jharkhand), Budh Marg, Patna
2. Chairman, Multi State Cooperative Land Development Bank (Bihar-Jharkhand), Budh Marg, Patna.
3. Managing Director, Multi State Cooperative Land Development Bank (Bihar- Jharkhand), Budh Marg, Patna
4. Central Registrar, Room No. 224, Department of Agriculture, Krishi Bhawan, New Delhi.
5. Regional Commissioner, Employees Provident Fund Organisation, Regional Office, Patna.

... .. Respondent/s

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**Appearance :**

|                    |   |                                      |
|--------------------|---|--------------------------------------|
| For the Petitioner | : | Mr.Naresh Chandra Verma, Advocate    |
| For the Bank       | : | Mr.Rajesh Prasad Choudhary, Advocate |
| For the E.P.F.     | : | Mr. Rajoday Satyjeet, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 12-06-2020**

This matter was mentioned for listing on urgent basis, which was allowed by Hon'ble the Chief Justice.

2. Accordingly, the same has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

3. The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary



are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

4. Heard learned counsel for the petitioner and learned counsel appearing for the E.F.O. as well as learned counsel representing the Multi State Co-operative Land Development Bank (hereinafter referred to as “the Bank”).

5. The claim of the petitioner in the instant writ proceeding is for payment of his retiral dues.

6. Shorn of unnecessary detail, the petitioner has placed reliance on an earlier judgment of this Court in the case of Ramanand Singh vs. The Union of India and Others (C.W.J.C. No.23029 of 2011, disposed of on 05.02.2013).

7. The claim of the petitioner is also based on a decision of this Court in C.W.J.C. No.14799 of 2012 (Kamla Prasad Sharma Vs. The State of Bihar & Others) and other analogous cases. The decision in the case of Kamla Prasad Sharma (supra) was assailed by the respondent-Bank in L.P.A. No.980 of 2016. Against the dismissal of the L.P.A., the writ petitioner/respondent had approached the Apex Court in Special Leave to Appeal (C) No.3001/2017, which was also dismissed.

8. As per the order of the Writ Court, a chronological list of claimants in respect of retiral dues was widely circulated



and made available to every Branch of the Bank. Objection was also called for.

9. It is submitted by the learned counsel for the Bank that the order passed in Kamla Prasad Sharma (supra) has strictly been followed by the Bank. There is a specific averment in paragraph 6 of the counter affidavit filed on behalf of the Bank. The stand of the Bank is that the petitioner was thrice called upon to come to the Bank for signing Form-19. The communications dated 09.12.2016, 11.05.2016 and 15.12.2018 are Annexure F Series to the counter affidavit, whereby the petitioner was asked to come to the Bank for the said purpose.

10. There are some other issues raised in the counter affidavit regarding some advance having been taken by the petitioner.

11. Since the petitioner is required to submit Form-19, the Court would refrain from considering such issues.

12. Petitioner's Counsel submits that he will be approaching the Bank and submitting the Form-19 to comply with the statutory requirements. He submits that the Bank would be under a legal obligation to expedite the payments strictly in terms of the judgment in the case of Kamla Prasad Sharma (supra).



13. The process indicated by the Bank and accepted by the petitioner has to be considered in the background of the decision in the case of Kamla Prasad Sharma (supra). No further orders/directions are required to be issued in the instant case. The petitioner should, therefore, approach the Bank with requisite form in Form-19 for complying the statutory requirement in respect of various dues as claimed by the petitioner.

14. It is submitted by the learned counsel for the petitioner that the petitioner would be approaching the Bank within four weeks from today. In the event, the petitioner does so, this Court would direct that the Bank would be under a legal obligation to expedite the payment of the dues strictly in terms of the decision in the case of Kamla Prasad Sharma (supra).

15. The writ petition stands disposed of.

**(Madhuresh Prasad, J)**

PNM

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