

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7036 of 2018

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Devendra Singh Son of Late Rameshwar Prasad Singh, Resident of Village-
Hade, P.O.- Mushaila, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Cooperative Department,
Government of Bihar, Patna
2. The Managing Director, Magadh Cooperative Bank, Gaya, P.S.- Gaya Town,
District- Gaya, P.S. - Gaya Town, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. M.K.Ambastha -SC 26

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 01-06-2020

The petitioner has approached this Court for a
direction to the respondent no. 2 to make payment of his
post-retiral dues forthwith.

It appears that the petitioner retired from the
post of Incharge, Branch Manager of the Central
Cooperative Bank on 31.01.2016. At the time of
superannuation, he was working as Incharge, Branch
Manager, Barachatti Branch, District – Gaya of the Magadh
Central Cooperative Bank. Despite there being nothing
against him, it has been alleged that his post-retiral dues
have been withheld.



The counter affidavit filed on behalf of respondent no. 2 indicates that the stand of respondent no. 2 is that the petition is not maintainable against the cooperative bank as it is not a state within the purview of Article 12 of the Constitution of India. Apart from this, it has been stated in the counter affidavit that the Managing Director (respondent no. 2) has nothing to do in the decision making process of the bank and he is only required to act in accordance with the decision of the Board of Directors of the bank.

Factual aspects have also been dealt with in the counter affidavit suggesting that several acts of omissions and commissions were committed by the petitioner while disbursing the KCC loan. The Board took an unanimous decision to stop the post-retiral dues of the petitioner in view of the irregularities committed by him. An audit was also made by the District Audit Officer, Gaya and the issue of payment of the petitioner has been postponed and made



subject to the outcome of the inquiry of the District Audit Officer, Gaya.

The petitioner, under the aforesaid circumstances, is directed to make a fresh/suitable representation before the respondent no. 2 who shall inquire into the matter, find out about the report of the District Audit Officer, Gaya and the decision with respect to payment of post-retiral dues of the petitioner by the Board of Governors and shall pass an order indicating/collating all such facts and shall communicate the same to the petitioner. The respondent no. 2 is further directed that in case no decision has been taken by the Board on the report of the District Audit Officer, Gaya, the case of the petitioner be placed before the Board and instructions be obtained as to the decision of the Board. In case the Board is of the view that the payment of retiral dues to the petitioner be made, the same shall be complied with. In any case, a reasoned order shall be passed by the respondent no. 2 within a period of eight weeks of the representation of the petitioner.



With the aforesaid direction/observation, the writ
petition stands allowed and disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.06.2020
Transmission Date	

