

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22868 of 2018

Janardan Prasad Singh, son of late Bilti Prasad Singh, resident of village-
Barahpur, P.O.- More, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar State Co-operative Land Development Bank, Budh Marg, Patna, through its Chairman.
2. The Chairman, Bihar State Co-operative Land Development Bank Ltd., Budh Marg, Patna.
3. The Managing Director, Bihar State Co-operative Land Development Bank Ltd., Budh Marg, Patna.
4. The Senior Accounts Officer, Bihar State Co-operative Land Development Bank Ltd., Budh Marg, Patna.
5. The Statistical Officer, Bihar State Co-operative Land Development Bank Ltd. Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Harun Quraishi, Advocate with Mr. Arjun Prasad, Advocate
For the BSCLDB	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-12-2020

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

2. Heard Mr. Md. Harun Quraishi, learned counsel along with Mr. Arjun Prasad, learned for the petitioner and Mr. Rajesh Prasad Choudhary, learned counsel for the Bihar Multi State Co-operative Land Development Bank Ltd. (hereinafter referred to as the “Bank”).

3. On 11.11.2020, the matter was adjourned for today



in view of the stand taken by learned counsel for the petitioner that though in the counter affidavit filed on behalf of the Bank, it was shown that the petitioner has been paid his due under the heads of CPF, Group Insurance and gratuity, but the payment of gratuity had not been made to him. On such stand, learned counsel for the Bank had taken time to take specific instructions with regard to whether gratuity shown to have been paid in the chart had been actually paid to the petitioner.

4. Today, learned counsel for the Bank submitted that the petitioner has been paid the amount under Cheque No.697725 dated 9th March, 2015, which was received by the petitioner on 24th March, 2015 itself.

5. Having regard to the aforesaid, the writ petition stands disposed off.

6. At this stage, learned counsel for the petitioner submitted that he is very sick and is in dire need of money being old in age also.

7. On such stand, learned counsel for the Bank took a stand that in order dated 09.04.2013 read with order dated 10.07.2013, in the case of *Kamla Prasad Sharma and others* and analogous cases, a direction has been given to pay in terms of the chronological order of the chart prepared by the Bank



based on the date of superannuation in which a window has been given that if there is special requirement by any employee for out of turn payment on the ground of medical or other emergent situations, it would be open for the person to represent before the Bank, which would be looked into by a Committee and if finds that the petitioner is in requirement of consideration for out of turn payment, the same can be paid to him.

8. In view thereof, the Court would observe that though the Bank would be obliged to maintain the schedule of payment in terms of the list prepared by them, but if the petitioner is faced with some genuine requirement for out of turn payment, it shall be open to him to file a detailed representation along with supporting materials to justify such payment, which shall be considered by the Bank both in accordance with law as well as taking into account the humanitarian aspect.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

