

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16962 of 2018

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Ramadhar Sharma Son of Late Jamuna Sharma, Resident of Village Kanouli,
Post office Kajisarai, Police Station- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Agriculture and Farmers Welfare, Krishi Bhawan, New Delhi-110001.
2. The Secretary Ministry of Agriculture and Farmers Welfare, Krishi Bhawan, New Delhi- 110001.
3. The Central Registrar, Department of Agricultural and Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi-110001.
4. The Joint Secretary Credit and Coop., Department of Agricultural and Cooperation Ministry of Agriculture, Krishi Bhawan New Delhi-110001.
5. The Multi State Cooperative Land Development Bank Limited, Budh Marg, Patna, through its Managing Director.
6. The Managing Director, The Multi State Cooperative Land Development Bank Limited, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the Respondent/s	:	Dr. K.N. Singh, Addl. Soc. Gen.
		Mr. Kumar Priyaranjan, Adv.
		Mr. Rajesh Prasad Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 21-01-2021 Heard learned counsel for the petitioner, learned

counsel for the Union of India and learned counsel for the Multi

State Cooperative Land Development Bank Limited.

The petitioner has filed the instant writ application for
a direction to the respondent authorities to dispose of the
representation of the petitioner filed in pursuance of the
direction of this Court dated 4.4.2018 passed in L.P.A. No. 578
of 2017. There is further prayer for directing the respondent no.



6 for payment of rest amount of general provident fund, gratuity, leave encashment and arrears of salary with statutory interest.

It is submitted by learned counsel for the petitioner that earlier the writ application filed by the petitioner was dismissed by the learned single Judge by order dated 23.2.2017 (Annexure-1) passed in C.W.J.C. No. 6524 of 2014 holding the writ application to be not maintainable. The petitioner preferred an appeal being L.P.A. No. 578 of 2017. Although the Appellate Court did not interfere with the judgment of the learned Single Judge, however, the said appeal was disposed of by order dated 4.4.2018 (Annexure-2) giving liberty to the petitioner herein to take up the issue with the competent statutory authority or take recourse to the remedy available for ventilating the grievance before an appropriate forum in accordance with law. It is in pursuance of the order passed in appeal that the petitioner filed a representation (Annexure-3) before the Central Registrar, Department of Agricultural and Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi. It is submitted that in spite of the said representation having been filed on 4.4.2018, the same continues to remain pending and, thus, the instant writ application praying for a direction to the respondents to dispose of the said representation.



It is submitted by learned counsel appearing for the Multi State Cooperative Land Development Bank Ltd. that the first writ application preferred by the petitioner herein was held as not maintainable in view of the judgment of a Special Bench of this Court in *The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors. [2014(1) PLJR 695]*. The appeal preferred by the petitioner was also dismissed. In spite of dismissal of the earlier writ application being not maintainable, the petitioner has preferred yet another writ application and, as such, the same is also fit to be dismissed.

A counter affidavit has been filed on behalf of the respondent no. 3 and it is submitted by learned counsel that the petitioner should have pursued his remedy provided under section 49 of the Multi State Cooperative Societies Act, 2002 and not the writ petition that he has preferred herein. However, it is admitted that the representation preferred by the petitioner is pending before the respondent no. 3.

Having heard learned counsel for the parties, it is directed that respondent no. 3 shall pass final orders on the representation filed by the petitioner as contained in Annexure-3 within a period of three months from the date of receipt/production of a copy of this order.



It may be observed here that so far as this Court is concerned, it has not expressed any opinion on the merits of the case of the parties nor even the question as to whether the representation preferred by the petitioner is maintainable or not.

The writ petition stands disposed of.

(Partha Sarthy, J)

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