

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17823 of 2019

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Rajendra Prasad Gupta son of Heera Lal Sah Resident of Lane No.- 9, New Khilariganj, Police Station- Sasaram, District- Sasaram (Rohtas).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Deptt., Govt. of Bihar, Patna.
2. The Managing Director Bihar State Co-operative Land Development Bank Samittee, Patna.
3. The Secretary, Bihar State Co-operative Land Development Bank Samittee, Patna.
4. The Managing Director, Bihar State Biverage Co-operative Ltd. Vidyut Bhawan, II, 1st Floor, J.L. Nehru Marg, Patna- 21.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Adv.
For the State	:	Mr. Balram Kapri, AC to SC-26
For the Respondent Nos. 2-3	:	Mr. Rajesh Prasad Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 28-01-2021

The present writ petition has been filed for directing the respondents to make payment of all the retiral dues of the petitioner herein.

2. The learned counsel for the petitioner has submitted that the petitioner was appointed as Accountant vide memo dated 2.5.1981 in the Regional Office of the Land Development Bank,



Saharsa and subsequently, he was made permanent vide memo dated 6.10.1987.

3. It is the further contention of the learned counsel for the petitioner that the petitioner was deputed on contract basis with the Bihar State Beverage Corporation Ltd. in pursuance of advertisement issued in the daily newspaper on 16.12.2016 vide memo dated 8.2.2007 and then, he was relieved from the Land Development Bank, Dalmianagar vide memo dated 15.2.2007, however, subsequently, his services was sought to be recalled by the respondent-Bank. It is the contention of the learned counsel for the petitioner that on account of certain allegations and involvement in a criminal case resulting in the petitioner being sent in judicial custody, the Bihar State Beverage Corporation had cancelled his deputation and subsequently, the petitioner had applied for voluntarily retirement from service, however, till date, neither the petitioner has been permitted to work in the Corporation nor any decision has been taken with regard to his



application for V.R.S.

4. Per contra, the learned counsel for the respondent-Bank has raised a preliminary objection with regard to the maintainability of the present writ petition inasmuch as the respondent-Bank is a cooperative society, which is being managed by a Managing Committee / Board of Directors constituted from amongst the elected representatives and a special Bench of this Court in the case of **Organizer, Dehri C.D. and C.M Union Ltd. vs. State of Bihar**, reported in **2014(1) PLJR 695**, has held that a writ petition under Article 226 of the Constitution of India is not maintainable against a cooperative society.

5. The learned counsel for the respondents-Bank has also referred to the supplementary counter affidavit filed on behalf of the respondents no. 2 and 3, especially to Annexure-A thereof and has submitted that the petitioner has already been dismissed from the services of the Bank by office order dated 27.12.2010 passed by the Managing



Director, Multi State Cooperative Land Development Bank Ltd., hence, there is no question of payment of any pension or retiral benefits to the petitioner herein.

6. I have heard the learned counsel for the parties and gone through the materials available on record and I find that the present writ petition is not maintainable in view of the decision rendered in the case of the **Organizer, Dehri C.D. and C.M Union Ltd.** (supra). This Court further finds that even on merits, the petitioner has got no case inasmuch as the petitioner has failed to rebut the order of his dismissal from service dated 27.12.2010, as such, a person dismissed from his services is not entitled to any pensionary benefits / retiral dues. This Court is also of the view that apparently, the petitioner has concealed the factum of him having been dismissed from services by the aforesaid order dated 27.12.2010.

7. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present



writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2021
Transmission Date	NA

