

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 554 of 2019

Sri Ram Manjhi, s/o late Indrasan Manjhi, r/o vill-Kotwa, ward no. 4, PS- Barauli,
District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Co-operative
Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna
3. The Joint Registrar, C-operative Societies, Sara-cum-Liquidator, ThdChapra
District Central Co-operative Bank Ltd. Chapra
4. The District Co-operative Officer, Saran-cum-The Assistant Liquidator, The
Chapra District Central Co-operative Bank Ltd. Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For respondent : Mr. Ravi Bhardwaj, AC to GA 13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

7 02-07-2021 The present petition has been taken up for consideration
through the mode of Video Conferencing in view of the
prevailing situation on account of COVID-19 Pandemic,
requiring social distancing.

Heard the learned counsel for the petitioner Sri Pritish
Ranjan and the learned counsel for the respondent Sri Ravi
Bhardwaj.

The present writ petition has been filed for directing the
respondent authorities, particularly the respondent no. 3 to
forthwith pay the due salary to the petitioner, which is due since
February 2004 to 30.09.2016, the increment due since the year



2000 till 30.09.2016, the retirement benefits as per 5th Pay Revision including gratuity and leave encashment, the Compensation package for the year 2002 to 2005 and the due bonus amount for the year 1996-97.

The learned counsel for the petitioner has submitted that during the pendency of the present petition, the petitioner has died, hence a prayer has been made to permit substitution of legal heirs of the petitioner.

This Court finds that the Chapra District Central Co-operative Bank Ltd. Chapra is under liquidation and the Joint Registrar, Co-operative Societies, Saran is the Official Liquidator. Thus, this Court finds that lingering the present case would not even serve the purpose of the legal heirs of the petitioner, inasmuch as it is for the Official Liquidator to finally decide the claim of the petitioner and pay the same.

At this juncture, the learned counsel for the petitioner has relied upon judgments rendered by the co-ordinate Benches of this Court ***dated 20.11.2009***, passed in ***CWJC no. 19058 of 2008*** and the one ***dated 23.12.2014***, passed in ***CWJC no. 10215 of 2010***, to submit that firstly, the claims of the ex-employees are required to be paid from the assets of the Society, more particularly pertaining to the period up to the date of order of



winding up and further it is a well known principle of law that any charge with respect to the employees have primacy over any other charge on the assets of the Company or the Co-operative Society/Bank.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the legal heirs of the petitioner herein to file appropriate representation before the respondent no. 3 i.e the Official Liquidator in the present case, who shall then compute the amount of retiral dues etc. payable to the deceased-petitioner and pay the same to the legal heirs of the petitioner, within a period of 06 months from the date of receipt of the representation, subject to the Policy/ Scheme framed *qua* the respondent- District Central Co-operative Bank Ltd., Chapra.

(Mohit Kumar Shah, J)

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