

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.106 of 2022

In

Civil Writ Jurisdiction Case No.23197 of 2019

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1. The Managing Director, Motihari Central Co-operative Bank Ltd Motihari, namely Rajesh Kumar aged about 45 years (male) son of Sri Ram Lakhan Prasad Singh, Resident of A/23, Astha Nagar, Mirganj, P.O. and Police Station- Begusarai, District - Begusarai.
 2. The Board of Director through its Chairman, Motihari, Central Co-operative Bank Ltd. Motihari.

... .. Appellant/s

Versus

1. Rajesh Kumar Son of Sri Siya Ram Prasad, Resident of Mohalla Lala Tola, Patora, Police Station - Muffasil, District - Motihari (East Champaran).
2. The State of Bihar through the Principal Secretary, Department of Co-operative, Govt. of Bihar, Patna.
3. The Registrar Co-operative Society, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Mishra
Mr. Prashant Kumar
For the Respondent/s : Mr. Aditya Narain Singh
Mr. Kundan Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 27-09-2022

Mr. Prashant Kumar, learned Advocate, though submits that an application for condoning the delay in preferring the appeal has been filed online, but he files two hard copies of such application across the board.

Let it be taken on record.

For the reasons stated in the application, the delay in preferring the appeal is condoned.

The application stands allowed.

Heard Mr. Sanjeev Mishra, assisted by Mr. Prashant Kumar, learned Advocate for the appellant and Mr. Aditya Narayan Singh, learned counsel for the Respondent.

The sole contention of the appellant is that the learned Single Judge, while passing the order dated 18.11.2021, did not take into account the fact that the employees who were regularized did not come through I.B.P.S.



The learned Single Judge after taking note of the provisions contained in Section 44 AV of the Bihar Co-operative Societies Act, 1935 found that the power vests with the Cooperative Society and there has been no amendment in the Rules so as to exclude any such decision-making. The learned Single Judge read the aforesaid provision to mean that it was not necessary that in all cases such decision making had to be routed through I.B.P.S.

We do not find any fault with the order.

In fact, the learned Single Judge, taking into account the fact that employees had been regularized but were not given the pay attached to the post, directed for disbursement of such pay after fixing the same within a period of four months along with the interest at the rate of 6 % per annum.

We put our imprimatur on the aforesaid indication in the order.



The objection of the Respondent about the maintainability of the writ petition is not necessary to be gone into for the reason that we are dismissing the appeal.

The appeal stands dismissed accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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