

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1361 of 2020

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Syed Shamim Raza S/o Late Khurshid Raza alias Syed Khurshid Raza
Resident of Village- Bhikanpur, P.O.- Bhikanpur, P.S.- Ahyiapur, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The Sate Bank of India, through Assistant General Manager and Appointing Authority-cum-Disciplinary Authority, Resident of Region-1, State Bank of India, Zonal Office, Muzaffarpur
2. The Regional Manager Resident of Region Office, Region-II, Bela, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Qaisar Hasan, Advocate.
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate.
For the Respondent Bank: Mr. Rakesh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-11-2022

I. A. No. 01 of 2022

Heard Mr. Syed Qaisar Hasan, learned counsel for the petitioner, Mr. Rakesh Kumar Singh, learned counsel for the respondent Bank and learned counsel for the State.

During the pendency of the present writ application, the original petitioner died on 28.04.2021. An Interlocutory Application has been filed for substituting the legal heirs, the details of which has been mentioned in paragraph no. 2 of the application.

In view of the submissions made made on behalf of the parties I.A. No. 01 of 2022 is hereby allowed.

Office is directed to substitute the name of the original petitioner with the legal heirs as has been mentioned in paragraph no. 2 of this application.



The present writ application has been filed for following reliefs:-

- (a) A writ in the nature of mandamus or any other writ order or orders directing the respondents to grant pension or any other retiral pensionary benefit as available to the petitioner on vacant on being treated as voluntarily retired on 24.02.2007.
- (b) A writ in the nature of mandamus or any other writ order or orders directing the respondents to not to give effect to the circular No. CDO/P & HRD-PM/100/2015-16 to a retrospective matter.
- (c) A writ in the nature of mandamus or any other writ order or orders directing the respondents to pay interest as well as panel interest @ 9% per annum and also litigating case for non-payment of admitted pension dues to the petitioner without further delay.
- (d) To grant any other relief or reliefs to which the petitioner is legally entitled.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner was initially appointed on the post of clerk-cum-cashier and posted at ADB, Bethia Branch way



back in the year 1986. On being satisfied with the services of the petitioner his services has been confirmed vide annexure 2 to the writ application. It is next contended that vide memo no. PS/214 dated 03.08.2007 issued by respondent no. 1 in the capacity of the Assistant General Manager & Appointing Authority-cum-Disciplinary Authority, whereby the petitioner has been treated to be voluntarily retired from services on 24.02.2007 on account of his unauthorized absense.

Learned counsel for the respondent bank before coming to the merit of this application has submitted that the petitioner has efficacious alternative remedy before the appropriate forum either before the Industrial Tribunal or Central Government Industrial Tribunal (C.G.I.T.) having regard to the status of the petitioner read with the official respondents' status. It is next contended that the petitioner comes within the definition of workman and the present petition is premature in as much as the petitioner has not exhausted the alternative remedy as sated above. He also drawn the attention of this court towards the order/judgement passed by the learned coordinate Bench of this court in case of Abinash Chanchal Vs. The State Bank of India and Ors. in CWJC No. 7219 of 2016, the copy of which has been produced before this court and the same has been kept



on record.

Learned counsel for the petitioner having gone through the order passed by the learned coordinate Bench of this court fairly submits that the present application may be disposed of in terms of the order passed in the case of Abinash Chanchal.

In view of the aforesaid submissions made at the bar, this writ application is disposed of in terms of the order dated 24.03.2022 passed in CWJC No. 7219 of 2016 giving liberty to the petitioner to approach appropriate forum in accordance with law. It is made clear that the concerned forum shall take note of Section 14 of the Limitation Act for the purposes of condonation of delay in raising industrial dispute/application/petition.

Accordingly, the present writ application is disposed of with liberty aforesaid.

(Harish Kumar, J)

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