

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1078 of 2023

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Arun Kumar Singh, son of Late Chandrika Singh Resident of Village- Harian
Chapra Mathia, P.O.- Rupdih, P.S.- Dhaka, District- East Champaran
(Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Co operative Department,
Bihar, Patna.
2. The Managing Director, Central Cooperative Bank, Bhawanipur Zirat,
Motihari.
3. The Chairman, Motihari Central Co-operative Bank Ltd., Bhawanipur Zirat,
Motihari.
4. The Manager Accounts, Central Co-operative Bank Ltd., Motihari.
5. Incharge Branch Manager, Central Co-operative Bank Ltd., Motihari.
6. The District Magistrate cum Special Officer, Central Co-operative Bank
Limited, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nand Kishore Prasad Sinha, Advocate.
For the Bank	:	Mr. Bindhyachal Rai, Advocate.
For the State	:	Mr. Rakesh Ranjan, AC to GP-22.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 03-05-2023

Heard Mr. Nand Kishore Prasad Sinha, learned
counsel appearing on behalf of the petitioner; Mr. Bindhyachal
Rai, learned counsel for the Bank and Mr. Rakesh Ranjan,
learned AC to GP-22.

2. When this case was taken up, learned counsel
appearing on behalf of respondent-State sought adjournment to
get instruction from the concerned respondent as to whether the



relief as claimed by the petitioner in the present writ petition has been allowed by granting all the pensionary benefits to the petitioner, but it has been informed by Mr. Bindhyachal Rai, learned counsel appearing on behalf of the Central Co-operative Bank Limited, Motihari that almost all the retiral dues of the petitioner have been paid and on account of petitioner's own negligence, the due amount of Employee Provident Fund (E.P.F.) and G.I.C. has not been paid to the petitioner. The petitioner is required to fill up requisite form for payment of the same by attending the office of the Employee Provident Fund Officer and the Insurance Company.

3. It is being informed that after deducting the personal loan amount which was availed by the petitioner amounting to Rs.1,69,859/-, petitioner has been paid Rs.2,20,852/- on account of Gratuity and Rs. 1, 38, 920/- on account of leave encashment. So far as the payment of salary of 25 months is concerned, the same requires to be verified for the reason that the petitioner was himself responsible for non-payment of salary for 25 months because he was posted at the relevant point of time.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is entitled for full payment



of salary for the period of 25 months which has been denied. The petitioner claims that he was posted at the relevant point of time in the concerned branch. He further submits that the other retiral dues payable to the petitioner which the respondents have admitted is also required to be paid along with the statutory rate of interest on account of delayed payment.

5. Having heard the rival submissions of the parties and the facts which have emerged as on date it appears that the petitioner has been paid almost all the retiral dues but admittedly no interest has been paid to him on account of delayed payment.

6. So far as the payment of E.P.F. and G.I.C. payable to the petitioner are concerned, requisite forms are required to be filed by the petitioner. The respondent no.2 is directed to entrust a competent officer to go and visit the house of the petitioner, where he is residing to get the requisite forms filled up and forward the same to the Regional Commissioner, Regional Office, E.P.F., Muzaffarpur within two weeks.

7. With the aforesaid direction and observation, the writ petition is allowed.

8. The concerned respondent must ensure that all the retiral dues which has not been paid to the petitioner must



positively be paid within a period of four weeks. Petitioner is at liberty to raise his grievance in case dues are not paid within the aforesaid period.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	10.05.2023
Transmission Date	N.A.

