

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4293 of 2023

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Bipin Bihari Prasad, Son of Late Dwarika Prasad, Resident of Village-
Sidharthpuri Colony, Road No. 1, P.O.- Buniadganj, P.S.- Manpur, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Registrar, Co-operative Society, Bihar, Patna.
2. The Board of Director, through its Chairman, Magadh Central Co-operative Bank Ltd. Gaya, Bihar.
3. The Chairman, Magadh Central Co-operative Bank Ltd. Gaya, Bihar.
4. The Managing Director, Magadh Central Co-operative Bank Ltd. Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satya Ranjan Sinha, Advocate. Ms. Asmita, Advocate.
For the State	:	Mrs. Pushpanjali Sharma, AC to SC-20.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-08-2023

Heard Mr. Satya Ranjan Sinha, learned counsel
along with Ms. Asmita, learned counsel appearing on behalf of
the petitioner and Mrs. Pushpanjali Sharma, learned AC to SC-
20 for the State.

2. The petitioner had retired from the post of
Assistant Manager in the year 2015, while he was posted at
Magadh Central Cooperative Bank Ltd., Gaya. The writ
petitioner is aggrieved for non-payment of interest on account of
delay in payment of retiral dues. The petitioner is also aggrieved
by the order dated 15.11.2016 (Annexure-6) passed by the



Chairman, Magadh Central Co-operative Bank Ltd., Gaya, Bihar by which on account of delay in depositing a sum of Rs.2,74,362/- in the proportional deposit of CSGL as per the requirement by the Reserve Bank of India, the Reserve Bank of India has imposed penalty of Rs.5,19,841/- which has been directed to be recovered from the pension of the petitioner. Learned counsel in these background seeks to file a representation before the appropriate authority.

3. Learned counsel further submits that he seeks to file a representation for consideration of his case in light of the law laid down by the Apex Court in the case of **State of Punjab and Others Vs. Rafiq Masih (White Washer)** reported in **(2015) 4 SCC 334**.

4. The petitioner had earlier filed his representation considering the observation made by this Hon'ble Court vide order dated 14.11.2019 passed in C.W.J.C. No. 1359 of 2017. The representation of the petitioner was disposed of and the Joint Registrar Cooperative Societies, Magadh Division, Gaya vide Letter No. 566 dated 18.11.2016 had made recovery from earned leave and gratuity. Considering the fact that the period during which the petitioner had allegedly not deposited the requisite CSGL



amount and also proportion of the same, no action was taken against the petitioner at the relevant point of time rather at the belated stage. The recovery being harsh, the petitioner, if so advised, may file an appeal before the Registrar, Co-operative Society, Bihar against the order dated 15.11.2016 (Annexure-6). The petitioner may also request the Managing Director, Magadh Central Cooperative Bank Ltd., Gaya - respondent no.4 to consider his claim for the payment of interest from the date he became entitled to receive retiral dues till the date of its payment at the statutory rate.

5. With the above observation and direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.08.2023
Transmission Date	N.A.

