

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6066 of 2022**

Subhash Singh, S/o Late Pancham Singh, Resident of Village - Anantpur  
Diha, P.S. - Guraru, District - Gaya.

... .. Petitioner/s

Versus

1. The Bihar State Cooperative Land Development Bank Limited, Presently known as Multi State Cooperative Land Development Bank Limited, Bihar - Jharkhand, Budh-Marg, Patna through its Chairman.
2. The Chairman, the Bihar State Cooperative Land Development Bank Limited, Presently known as Multi State Cooperative Land Development Bank Limited, Bihar-Jharkhand, Budh-Marg, Patna.
3. The Managing Director, the Bihar State Cooperative Land Development Bank Limited, Budh-Marg, Patna.
4. The Regional Manager, The Bihar State Cooperative Land Development Bank Limited, Gaya.
5. The Branch Manager, the Bihar State Cooperative Land Development Bank Limited, Rafiganj, Aurangabad.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate  
For the Respondent/s : Mr. Rajesh Prasad Choudhary, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 28-11-2023**

Heard Mr. Raj Kishore Prasad, learned counsel  
appearing on behalf of the petitioner and Mr. Rajesh Prasad  
Choudhary, learned counsel for the Bihar State Co-operative  
Land Development Bank.

2. The petitioner, who superannuated from the post of  
Branch Manager, Bihar State Cooperative Land Development  
Bank Limited on 30.04.2009 has filed the present writ petition  
for the following reliefs:

*i) To issue an appropriate*



*writ/order/direction in the nature of a writ of Certiorari for quashing of Letter No. 2065 dated 15.07.2020 issued by the respondent Managing Director (as contained in Annexure-9), whereby and where under the respondent cooperative bank has hold that the claim of the petitioner for bills of arrears of salary is not valid, as the claim of the petitioner has not been approved/recommended and passed by the respondent Regional Manager. So far the payment of leave salary is concerned, it will be paid in serial wise basis according to seriatim as per order of this Hon'ble Court passed in CWJC No:- 14799/2012 and LPA No:- 980/2016.*

*ii) To issue an appropriate writ/order/direction in the nature of a writ of Mandamus directing the respondents to make payment of arrears of salary for 21 months as mentioned in details in a tabular form in Annexure-01(series) of this writ application including Contributory Provident Fund for all those months for which Salary has not been paid to the petitioner and Earned Leave Salary for 240 days as also the interest on delayed payment to be made to the petitioner from the date of payment to be made till the date of actual date of payment made by the respondents.*

*iii) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.*

3. It is submitted on behalf of the petitioner that despite the petitioner having been superannuated in the year 2009 itself, when the petitioner was not accorded the pensionary



benefits and other dues, he filed a writ petition bearing CWJC No. 18699 of 2019, which was disposed of in terms of the order passed by this Court in the case of ***Kamla Prasad Sharma Vs. The State of Bihar & Others (CWJC No. 14799 of 2012)***, which has been duly affirmed by the learned Division Bench of this Court in LPA No. 1241 of 2013, as also has been subsequently affirmed by the Hon'ble Apex Court. It is needless to observe that the Hon'ble Court while disposing the writ petition in case of ***Kamla Prasad Sharma (supra)*** has been pleased to formulate a methodology for payment of outstanding amount of retiral benefits as well as leave salary and arrears of pay.

4. It is the case of the petitioner that irrespective of the fact that earlier the petitioner had come before this Court and the learned co-ordinate Bench of this Court has been pleased to dispose of the writ petition, but till date the petitioner has not been accorded the retiral benefits/other dues and further discrimination has been caused that persons, who have been superannuated subsequent to the petitioner, they have been allowed the benefits of retiral benefits and other dues ignoring the claim of the petitioner thus, the present writ petition.

5. The aforesaid contention has been vehemently



refuted by Mr. Rajesh Prasad Choudhary, by filing a counter affidavit as well as supplementary counter affidavit stating therein that all the payments have been made in terms of the methodology formulated by the learned co-ordinate Bench in the case of ***Kamla Prasad Sharma (supra)*** and there is no deviation from such methodology. He next submitted that apart from the aforesaid fact that for identical relief, the petitioner has already approached before this Court and a positive order has already been passed, the writ petition is not at all maintainable in view of the judgment rendered by the learned Special Bench of this Court in the case of ***The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors.*** reported in ***2014 (1) PLJR 695.***

6. Having considered the submissions made on behalf of the parties and taking note of the materials available on record, including the earlier order passed by this Court, in the matter of the petitioner, this Court finds that there has already been direction in favour of the petitioner to ensure payment of retiral benefits/other dues in terms of the order passed by learned co-ordinate Bench of this Court in case of ***Kamla Prasad Sharma (supra)***, which has finally been affirmed by the Hon'ble Apex Court.



7. It is needless to observe that in case of any deviation from the methodology formulated by the learned co-ordinate Bench or there is any defiance of the order of this Court dated 16.06.2020, passed in CWJC No. 18699 of 2019, the petitioner has remedy available under the law.

8. Accordingly, the present writ petition stands disposed off.

**(Harish Kumar, J)**

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