

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13284 of 2007

- 1.1. Ashok Kumar Mishra son of Late Tula Kant Mishra, resident of Village-Chainpur, P.S.-Bangaon, District-Saharsa.
- 1.2. Anil Kumar Mishra, son of Late Tula Kant Mishra, resident of Village-Chainpur, P.S.-Bangaon, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Co-Operative Department, Government of Bihar, Patna.
2. Joint Registrar, Co-Operative Society, Tirhut Division, Muzaffarpur.
3. Joint Registrar, Co-operative Society, Bhagalpur Division, Bhagalpur.
4. District Co-Operative Officer, Bhagalpur.
5. The Accountant General Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Thakur, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
		Mr. Prabhakar Jha, GP27
		Mr. Mukund Mishra Jha, AC
For the Acct General	:	Mr. Ram Kinkar Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 25-08-2023

Mr. Dipak Kumar Singh, Additional Chief Secretary,

Co-operative Society, Govt. of Bihar, Patna is present in Court.

2. Heard learned counsels for the respective parties.

3. In the instant petition, petitioners have prayed for the

following reliefs:-

"(i) Certiorari setting aside the order dated 06.06.06 containing in memo/order no. 1500, issued by the Respondent Commissioner-cum-Secretary, Govt. of Bihar whereby and whereunder the representation filed by the petitioner in the



light of order dated 10.04.06 passed in CWJC No. 8363 of 05 by this Hon'ble Court has illegally been rejected.

(ii) For direction upon the Respondents to grant pay full gratuity, leave encashment, full pension with permission to commute pension in favour of the petitioner.

(iii) For direction to the Respondents for sanction of leave and payment of salary for the period from 11.8.1969 to 17.12.21969 during this period the petitioner remained under earned leave on account of illness of the petitioner and his wife.

(iv) For direction upon the Respondents for payment of special pay for the period from 11.4.66 to 18.8.69 in view of the fact that in the aforesaid period the petitioner was given designation to Executive officer on foreign service term.

(v) For direction upon the Respondents to grant due promotion to the rank of District Co-operative Officer in favour of the petitioner and to fix the payment and allowance accordingly and make payment of arrear and salary to the petitioner.

(vi) For quashing the portion of the notification bearing memo No. 1836 dated 3.9.86 issued by the Additional Secretary, Co-operative Societies Department, State of Bihar whereby and whereunder a decision has been taken that the petitioner will not be given anything except subsistence allowance for the suspension period.

(vii) For interest on arrear as admissible in favour of the petitioner.



(viii) For any other appropriate relief/reliefs which the petitioner may be found entitled in law and equity. "

4. The petitioners have not apprised this Court as to what is the difference of retiral benefits they are entitled. They have also not questioned the validity of fixation of pension and other related issues which had been settled wayback in the year 2005. They had approached this Court on an earlier occasion, this Court had directed the concerned authority to consider grievance of the petitioners. To that effect, a speaking order has been passed and communicated to the petitioners in which they have stated that petitioners' claims have already been settled. In this backdrop, the petitioners have failed to apprise this Court as to what is the error that has been committed by the concerned authority insofar fixation of pension and other related ancillary issues like Payment Order & DCRG vide Annexure-O to the 2nd supplementary counter affidavit filed on behalf of respondent no. 1, leave encashment etc. In the absence of those material, one cannot draw inference that the petitioners are entitled to relief sought in the present petition.

5. Accordingly, the present petition stands disposed off as not maintainable.



6. Personal appearance of Mr. Dipak Kumar Singh,
Additional Chief Secretary, Co-operative Society, Govt. of Bihar,
Patna stands dispensed with.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

