

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14803 of 2023

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Rameshwar Singh Son of Late Ram Narayan Singh, Resident of Ram Narayan Sada, P.O.- Motihari, P.S.- Town Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-Operative Department, Government of Bihar, Patna.
2. The Special Secretary, Co-Operative Department, Government of Bihar, Patna.
3. The Registrar, Co-operative Societies Department, Bihar, Patna.
4. The Managing Director, Motihari Central Co-Operative Bank Limited, Motihari, District- East Champaran.
5. The Chairman, Motihari Central Co-Operative Bank Limited, Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA-13
		Mr. Sanjay Kumar, AC to GA-13
For the Bank	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-11-2023

Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Bindhyachal Rai, learned counsel for the respondent Motihari Central Co-operative Bank Limited, Motihari and Mr. Sanjay Kumar, learned AC to GA-13.

2. The petitioner claimed to be superannuated from the post of Chief Accountant from the Head Office, Motihari Co-operative Bank Limited, Motihari on 30.04.2011, filed the present writ petition seeking a direction upon the respondent



Motihari Central Co-operative Bank Limited, Motihari to ensure the payment of all the retiral dues with statutory interest with effect from the date of his retirement. The petitioner also sought quashing of the Memo No. 234 dated 14.09.2016 issued under the signature of respondent Managing Director by which the respondents approved the payment of Provident Fund (P.F.) and Group Insurance (G.I.) and denied the payment of rest of the retiral dues on account of pendency of a criminal case bearing Dhaka P.S. Case No. 173 of 2011.

3. It is submitted that earlier the petitioner had moved before this Court in CWJC No. 15582 of 2015 for grant of his retiral benefits, which was disposed of vide order dated 05.05.2016, with a direction to the respondent Bank to take a final decision upon the representation filed by the petitioner with respect to the payment of retiral dues. Despite the order of the learned co-ordinate Bench in the aforementioned case, when no action was taken on the representation of the petitioner, the petitioner filed MJC No. 3288 of 2016, which was disposed of on 07.08.2023, taking into account the order passed by the Managing Director of Motihari Central Co-operative Bank Limited, Motihari vide memo no. 234 dated 14.09.2016.

4. Submission has been made that despite the



petitioner having been superannuated way back in the year 2011, till date, on the pretext of pendency of a criminal case, the petitioner has not been accorded the retiral benefits and other dues.

5. Per contra learned counsel for the Motihari Central Co-operative Bank Limited, Motihari made a preliminary objection with regard to the alternative remedy available to the petitioner before the Registrar, Co-operative Societies Bihar, Patna, thus, if the petitioner files a representation along with all the relevant documents in support of his claim, and in case the petitioner would be found entitled for the retiral benefits and other dues, it is needless to observe that same shall be made available to him. He next submits across the Board that as per his instruction, an award case is also pending before the Registrar, Co-operative Societies, Bihar, Patna for recovery of an amount of Rs. 36,03,000/- and thus, in the interest of justice, it would be proper that both the matter shall be heard together.

6. Considering the submissions made on behalf of the parties, the present writ petition stands disposed of with a direction to the petitioner to approach before the Registrar, Co-operative Societies, Bihar, Patna in terms of Section 48 of the Bihar Co-operative Societies Act, 1935.



7. It is needless to observe that if such an application/case is filed on behalf of the petitioner along with all the relevant documents as well as the order of the learned co-ordinate Bench on which reliance has been made, preferably within a period of four weeks from today, the Registrar, Co-operative Societies, Bihar, Patna shall consider the same and pass an appropriate order in respect to the payment of retiral dues/other admissible dues, preferably within a period of eight weeks, thereafter.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023.
Transmission Date	NA

