

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15069 of 2004

- 1.1. Most. Chathia Devi @ Chhatho Devi Wife of Late Daroga Giri, Resident of Korari Khurd, Police Station - Daroundha, District - Siwan.
2. Ram Pravesh Dube Son of Late Ramjeet Dube, Resident of Village - Hathopur, Police Station Daraunda, District - Siwan. Presently posted at Pakri Shekhpura (PACS).
3. Nageshwar Prasad Singh Son of Late Ragendra Singh Resident of Village - Sihouta Bangra, Police Station Maharajganj, District - Siwan. Presently posted at Sihouta Bangra (PACS).
4. Vishwanath Mishra, Son of Sri Ramjee Mishra, Resident of Village Takkipur, Police Station Maharajganj, District - Siwan. Presently posted at Lerua-Pipra, (PACS).
5. Jagdish Pandey Son of Late Deo Narayan Pandey, Resident of Village Pipra, Police Station Maharajganj, District - Siwan. Presently posted at Sikaria (PACS).
6. Sudama Pandey, Son of Late BaliRam Pandey, Resident of Village Patedha, Police Station Maharajganj, District- Siwan. Presently posted at Hanhwa, PACS.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Cooperative, Govt. of Bihar, New Secretariat, Patna.
3. The Registrar, Department of Co-operative Society Govt. of Bihar, New Secretariat, Patna.
4. The Managing Director Central Co-operative Bank Siwan.
5. The District Cadre Co-operative Society through its Member Secretary, Siwan.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14171 of 2004

Akchhay Kumar Singh, Son of Late Chandreshwar Singh, Resident of Village-Mahuari, Police Station-Maharajganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Cooperative, Govt. of Bihar, New Secretariat, Patna.



3. The Registrar, Department of Co-operative Society Govt. of Bihar, New Secretariat, Patna.
4. The Managing Director Central Co-operative Bank Siwan.
5. The District Cadre Co-operative Society through its Member Secretary, Siwan.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15069 of 2004)

For the Petitioner/s : Mr. Aditya Narain Singh, Advocate

For the Respondent/s : Mr. Kinkar Kumar, SC-9

Mr. Ashutosh Kuamr Upadhyay, AC to SC-9

(In Civil Writ Jurisdiction Case No. 14171 of 2004)

For the Petitioner/s : Mr. Aditya Narain Singh, Advocate

For the Respondent/s : Mr. Kinkar Kumar, SC-9

Mr. Ashutosh Kuamr Upadhyay, AC to SC-9

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

Date : 13-09-2024

In the instant petition, petitioners have prayed for the following relief(s):-

"(a) To declare the post of Manager working in different Primary Agricultural Credit Society (PACS) as pensionable one since the Managers after their superannuation are not being paid any kind of post retiral benefits.

(b) To direct the respondents to deduct the contribution to the provident funds from the salary of the Managers at the rate of 6% from the salary as it has been decided by the Govt. of Bihar department of Co-operative vide Memo No 1077 dated 19.01.1970 and under Rule 33 of the Bihar & Orissa Co-operative Society Rules, 1952.

(c) Any other appropriate relief/reliefs which the Hon'ble Court think fit and proper in circumstances of the case."



2. Learned counsel for the respondents on instruction submitted that present matter is covered by a Division Bench decision dated 25.07.2013 passed in LPA No. 156 of 2011 to the extent that petitioners have not made out a case.

3. Be that as it may, having regard to prayer no. 1, it is a policy matter. Policy decision matter is required to be redressed only by the competent forum. Hon'ble Supreme Court in the case of **Puspa Rani vs. Union of India** reported in (2008) 9 SCC 242 and **P.U. Joshi vs. Accountant General** reported in (2003) 2 SCC 632. In Para 10 of **P.U. Joshi vs. Accountant General** it is held as under:-

"10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the quali-



fications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

4. Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

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

