

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12783 of 2021

- 1.1. Girish Kumar, Son of Late Indu Shekhar Dwivedi, Resident of village-Sanehi Tola, Tarwa, Police Station Nauabatpur, District- Patna.
- 1.2. Lilawati Devi, Wife of Maheshanand Upadhyay, Resident of village-Daryapur P.S. - Paliganj, District- Patna.
- 1.3. Kusum Devi, wife of Santosh Pathak, Resident of village- Wajidpur P.S.- Vikram, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Managing Director, Patliputra Central Co-operative Bank Ltd., S.P. Verma, Road, Patna
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Managing Director, Patliputra Central Co-operative Bank Ltd. S.P. Verma, Road, Patna.
4. Patliputra Central Co-operative Bank Naubatpur, Patna.
5. The Assistant Manager, Patliputra Central Co-operative Bank Ltd, Branch-Naubatpur, District-Patna.
6. Patna District Cadre Co-operative Societies, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Dular Sah, Advocate
For the Respondent/s	:	Mr. Uday Shankar Sharan Singh, GP- 19
For the Bank	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-10-2024

Heard the parties.

2. The father of the petitioners, namely, Indu Shekhar Dwivedi, was duly appointed on the post of Paid Manager on 19.12.1977 by the District Co-operative Officer, Patna. After discharging the uninterrupted and continuous duty, he superannuated from the post of Head Manager. On account of the fact that despite superannuation, when the erstwhile



employee has not been paid the retiral benefits as well as arrears of salary, he approached before the Deputy Registrar, Co-operative Society, Patna, who passed the order in favour of the father of the petitioners. On being aggrieved, the Patliputra Central Co-operative Bank preferred appeal, bearing Appeal No. 108 of 2011; The order of the Deputy Registrar, Co-operative Society, Patna was turned down. In such circumstances, the father of the petitioners also questioned the legality of the order by filing the present writ petition.

3. At the outset, learned Advocate for the Patliputra Central Co-operative Bank (hereinafter referred to as 'the Bank') has submitted that the Registrar, Co-operative Society, Bihar, Patna has categorically held that the father of the petitioners was not the employee of the Bank and, as such, in no circumstances he can get the benefit of any retiral dues/other dues from the Bank.

4. The materials available on record clearly suggests that the father of the petitioners was a Paid Manager posted in the Primary Agricultural Credit Society. The learned Division Bench of this Court in the case of **Bhagalpur Central Cooperative Bank Ltd., Bhagalpur Vs. Sukhdeo Jha & Ors** (L.P.A. No. 156 of 2011) in its decision dated 25.07.2013



observed that the Paid Managers employed by the concerned Credit Co-operative Societies are neither the Government servants nor the employees of the Bank. The petitioners, therefore, cannot have a claim either against the Bank or against the State Government.

5. In view of the aforesaid facts, this Court does not find any reason or occasion to interfere in the writ petition.

6. Accordingly, the writ petition stands disposed of with the liberty to the petitioners to avail the appropriate remedy available under the law.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

