

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.584 of 2023
In
Civil Writ Jurisdiction Case No.492 of 2023

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Rajendra Kumar Son of Ramcharitra Ray Resident of Village-PasoPUR, P.S.-
Barauni, District-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary General Administrative Department Govt. of Bihar, Patna.
2. The Finance Commissioner, Govt. of Bihar, Patna.
3. The Secretary Cum Commissioner, Department of Co-operative Government of Bihar Vikash Bhavan, Patna.
4. The Register Co-Operatives Society Department of Co-Operative Government of Bihar, Patna.
5. The Accountant General, Bihar Mahalekhakar Bhavan, Veerchand Patel Path, Patna.
6. The District Magistrate, Bhagalpur, P.S. and District Bhagalpur.
7. The Sub Divisional Officer, Bhagalpur, P.S. and District Bhagalpur.
8. The Managing Director, Begusarai Central Co-operative Bank. P.S.- Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dr. Anjani Pd. Singh, Advocate
For the Respondent/s : Mr.Amit Prakash (GA13)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-12-2024

The petitioner seeks consideration of his past service for seniority and pension by a writ petition filed in the year 2023, seven years after retirement and 20 years after the initial appointment. The learned Single Judge declined the claim



finding the writ petition to be totally misconceived. The writ petitioner is in appeal.

2. The learned Counsel for the appellant has produced before us a judgment of the Hon'ble Supreme Court in ***State of Bihar Vs. Bihar Rajya Sahkarita Prabandhak Seva Sangh, Patna [SLP(Civil) No. 7357 of 1996]***, wherein persons similarly placed as petitioner, who were Paid Managers of the different Primary Agricultural Cooperative Societies (PACS) were directed to be absorbed in the service of the government, to a reasonable number of posts available, which could be set apart for filling up from the Paid Managers of various cooperative societies, which have been functional from 1974 onwards. The petitioner admittedly was appointed on 10.01.1982 as a paid manager of the Primary Agricultural Cooperative Society at Begusarai. It is a moot question, as to whether the decision of the Hon'ble Supreme Court is applicable to the petitioner; which we will demonstrate.

3. Be that as it may, the petitioner was appointed to the government under a scheme for selection of Paid Managers of the different PACS. The judgment of the Hon'ble Supreme Court was on 20.08.1998 and the appointment on 10.03.2003, of the petitioner, in the Collectorate, Begusarai, this cannot at all



be found to be a direct consequence of the scheme devised by the Hon'ble Supreme Court or in compliance of the cited decision; which applied to those who were continuing in PACS as Paid Managers from the year 1974. Hence, the direction therein to absorb the respondents subject to reasonable conditions as to their past service, seniority and pension does not apply to the writ petitioner, who was not a respondent therein.

4. The learned Single Judge has found that the claim was delayed, since the petitioner has attempted to agitate his cause, nine years after his retirement. Admittedly, the petitioner was appointed in government service in the year 2003 and continued for 13 years before his superannuation on 31.05.2016. In the meanwhile, even as per the showing of the petitioner, a writ petition was filed by certain persons, situated identically, which was disposed of as per Annexure-3; wherein the petitioner is seen in the party array, as petitioner no. 6. There the claim was for grant of a higher scale of pay which was directed to be considered on the basis of the representation filed. Obviously, the petitioner and the other similarly situated employees, even at that instance; when they were in service, did not seek for consideration of their past service for seniority or



pension. We perfectly agree with the learned Single Judge that this is an attempt to revive stale claims.

5. We have also found that there can be no valid claim raised on the judgment of the Hon’ble Supreme Court passed with respect to persons appointed and continuing as Paid Managers, long prior, that too based on the conditions existing from the year 1974.

6. We reject the appeal.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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

