

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3868 of 2021

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Lalan Kumar Singh S/o Late Shivshankar Singh, R/o Village - Bhaudiha,
Police Station- Tariyani, Dist - Shiohar, now retired as Officer Scale - 01 Uttar
Bihar Gramin Bank, Head Office Kalmbagh Chowk, Dist. - Muzaffarpur.

... .. Petitioner

Versus

1. The Chairman Uttar Bihar Gramin Bank cum Appellate Authority, Sharma Complex, Kalambagh Road Chowk, Dist-Muzaffarpur, Pin- 842001 (Bihar).
2. The General Manager, Uttar Bihar Gramin Bank Muzaffarpur, Kalambagh Road Chowk, Dist-Muzaffarpur, Pin - 842001 (Bihar).
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Muzaffarpur, Pin - 842001 (Bihar).

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Adv.
For the Respondent/s	:	Mr. Prabhakar Jha, Adv. Mr. Amitesh Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-01-2024

Heard Mr. Ravi Ranjan, learned counsel for the petitioner and Mr. Prabhakar Jha, learned counsel for the Uttar Bihar Gramin Bank.

2. The petitioner, who superannuated in the year 2019 from the post of Clerk-cum-Cashier, Saraiya Branch, Uttar Bihar Gramin Bank, Muzaffarpur, has filed the instant writ petition, seeking quashing of the letter no. 173 dated 19.07.2019, issued by the respondent no.1, whereby and whereunder the retiral benefits of the petitioner has been withheld, referring to Regulation 39 of the Uttar Bihar Gramin



Bank Staff Regulation, 2010 (Amended Regulation 2013) and further vide letter no. 212 dated 30.08.2019, the appeal preferred by the petitioner also negated by holding that his claim is not maintainable, on the ground of a criminal proceeding pending against him, in which sanction has already been accorded by the respondent/Bank and the appeal does not fall within the ambit of Clause 49 of the Regulation, 2013.

3. It is submitted on behalf of the petitioner that while the petitioner was serving the Bank as Clerk-cum-Cashier way back in the year 1984, on account of certain complaints regarding the irregular allotment of Indra Awas and doubling of beneficiaries by opening duplicate bank accounts, Economic Offence Case No. 01 of 2022 has been registered against many persons, including the B.D.O., Panchayat Sewak, Prakhanda Najir and the Bank Officials as well as middlemen. While the afore-noted criminal case was pending before the Special Court (Vigilance) Muzaffarpur, the petitioner attained the age of superannuation. However, despite his superannuation, the petitioner has not been accorded the benefit(s) of gratuity as well as the leave encashment, for which he had approached before the authorities concerned, who have negated his claim, compelling him to approach before this Court.



4. The claim of the petitioner is based upon parity that one another bank employee, Nawal Kishor Prasad Singh, who is also identically situated to the petitioner and made accused in the afore-noted criminal case, had approached before this Court in C.W.J.C. No. 18549 of 2017, which was disposed of vide order dated 18.06.2020 in terms of the order dated 20.06.2017 passed in C.W.J.C. No. 2819 of 2014, granting liberty to the petitioner to represent before the respondent/Bank for grant of the benefit(s).

5. It has been informed to this Court that said Nawal Kishor Prasad Singh has now been allowed the benefit(s) of gratuity as well as the leave encashment and, thus, the case of the petitioner should also be treated alike.

6. At this juncture, learned counsel for the Bank, submitted that though against the order passed in C.W.J.C. No. 2819 of 2014, the Bank has preferred L.P.A. No. 1022 of 2017, which stood dismissed on 26.02.2018. However, the Bank on being aggrieved by the order dated 18.06.2020 passed in C.W.J.C. No. 18549 of 2017 has preferred Civil Review No. 102 of 2020, which is still pending consideration.

7. Considering the submissions advanced on behalf of the parties and taking note of the claim of the petitioner, which



is entirely based upon parity, this writ petition stands disposed of with a direction to the respondent no.1, the Chairman Uttar Bihar Gramin Bank-cum-Appellate Authority to consider the claim of the petitioner in terms of the order of this Court dated 18.06.2020 passed in C.W.J.C. No. 18549 of 2017 and if the similar relief(s) has been accorded to the identically situated person, namely, Nawal Kishor Prasad Singh, the petitioner shall also be accorded the similar relief(s), subject to the result of Civil Review No. 102 of 2020.

8. The entire exercise must be completed, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

9. This disposes the present writ petition.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2024
Transmission Date	

