

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4485 of 2018

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Rambriksha Das, Assistant, Selection Grade (Retired), S/o Late Khakhu Das,
R/o Village-Choti Harijan Toli, Bakhtiarpur, P.S.-Bakhtiarpur, District-Patna-
803212.

... .. Petitioner/s

Versus

1. Bihar Rajya Sahkari Bhumi Vikas Bank Simit, Budhmarg, Patna-800001 through its Chairman.
2. The Chairman, Bihar Rajya Sahkari Bhumi Vikas Bank Simit, Budhmarg, Patna-800001.
3. The Managing Director, Bihar Rajya Sahkari Bhumi Vikas Bank Simit, Budha Marg, Patna-800001.
4. The Accounts Officer, C.P.F., Bihar Rajya Sahkari Bhumi Vikas Bank Simit, Budhmarg, Patna-800001.
5. The Provident Fund Commissioner, Serpentine Road, Patna.
6. The Managing Director, Bihar State Beverages Corporation, Vidyut Bhawan, Phase-II, Bailey Road, Patna-800021.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Manoranjan Prasad Singh
For Respondent No.3	:	Mr. Rajesh Prasad Choudhary, Advocate
For Respondent No.5	:	Mr. Jai Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 15-04-2024

Heard learned counsel for the petitioner, learned
counsel for the Bihar Rajya Sahkari Bhumi Vikas Bank Simit
and learned counsel for the Provident Fund Commissioner.

2. The present writ petition has been filed for the
following reliefs:-

(i). For rescinding the decision taken by the
Respondents named at Serial 1 to 4 of the writ application



through their Memo No. 1137 dated 26.03.2009 to discharge the petitioner from Bank Service who was sent on deputation to the Bihar State Beverages Corporation besides getting themselves unilaterally absolved from their onus of making payment against any of the financial obligation of the petitioner which is totally wrong, unfair, unethical & illogical and mainly based on faulty reasoning and untenable logic having no Locus standi.

(ii). For issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order or direction commanding the Respondents to accept the Joining report submitted by the petitioner on 01.07.2016 on being relieved from the Bihar State Beverages Corporation Limited, Patna.

(iii). For issuance of peremptory order to sanction all terminal benefits, comprising of CPF deposit including employer's contribution with interest, Group insurance deposit, Gratuity and Leave encashment together with other outstanding dues as detailed in Annexure-15 also legitimately become payable on superannuation of the petitioner on 31.07.16 and make payment thereof within a definite time frame.

(iv) For issuance of direction to the Respondents to pay interest for making delay in payment against the above claims legitimately due on superannuation at the current bank



rate admissible on different classes of deposits (other than maintained in saving account) accordance with provision made under Section- 2 of "The Interest Act, 1978" till the actual payment is made.

(v). For any other appropriate relief/reliefs as your Lordships may deem fit and proper.

3. Learned counsel for the Bank has raised preliminary objection and submits the present writ petition is not maintainable in the light of the decision made by the Special Judge in the case of **The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar** reported in **2014(1) PLJR Page-695**. Learned counsel for the Bank further submits that petitioner in rejoinder to the counter affidavit has annexed order dated 25.01.2024 passed in LPA No.1179 of 2018 in which Bihar State Beverages Corporation Ltd. and Bank both were parties but in the specific terms Division Bench of this Hon'ble Court has decided that since the grievance of the petitioner of the said LPA is against the Bihar State Beverages Corporation Ltd as such the said LPA was entertained. Counsel submits that in the present case the grievances of the petitioner is against Bank, therefore, it is not maintainable.

4. Upon the specific query from the counsel for



the petitioner that in relief No.I he has made reference of a letter contained in Memo No.1137 dated 26.03.2009, but the said letter is not on the record. Upon specific query from the Court counsel for the petitioner submits that the said letter contained in that memo is basically a non-existing letter, which has never been served upon him.

5. In the light of the submissions, this writ petition is not maintainable here in the light of the Special Bench decision and the letter about which petitioner is mentioning that it is not existing. Liberty is hereby granted to the petitioner to file a civil suit before the competent Civil Court for the said relief. The cause of action for filing the said suit shall be counted from today.

6. With this observation, this writ petition is disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2024
Transmission Date	NA

