

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12400 of 2023

Dakshin Bihar Gramin Bank, Officers Federation, through its General Secretary, Md. Nadeem Akhter, Late Nasim Akhtan, Male, aged about 58 years, S/o Late Nasim Akhtar, Akash Ganga Apartment, Ashiana Digha Road, Flat No. 101, Block-A, P.O- B.V. College, P.S- Shastri Nagar, District- Patna-14.

... .. Petitioner/s

Versus

1. Dakshin Bihar Gramin Bank, Head Office at Shri. Vishnu Commercial Complex, NH-30, New Bypass, Near BP Highway Services Petrol Pump, Ashochak, Patna through its Chairman.
2. Chairman, Dakshin Bihar Gramin Bank, Head Office at Shri. Vishnu Commercial Complex, NH-30, New Bypass, Near BP Highway Services Petrol Pump, Ashochak, Patna.
3. General Manager (HRD), Dakshin Bihar Gramin Bank, Head Office at Shri. Vishnu Commercial Complex, NH- 30, New Bypass, Near BP Highway Services Petrol Pump, Ashochak, Patna.
4. Chief Manager, Dakshin Bihar Gramin Bank, Head Office at Shri. Vishnu Commercial Complex, NH-30. New Bypass, Near BP Highway Services Petrol Pump. Ashochak, Patna.
5. Dakshin Bihar Gramin Bank, Officers Association, having its Office at Solara, Near Anugrah Memorial College, Katari Hill Road, Gaya (Bihar) through its General Secretary, Sri. Rajesh Kumar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate
For the Bank-Respondent/s	:	Mr.Mahesh Narayan Parbat, Sr. Adv. Mr. Ved Prakash Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 08-08-2024 This Court vide order dated 12.10.2023 directed the petitioner to take steps for taking out notice on the respondent No.5. Registry has reported vide its note dated 11.12.2023 that notice has been served on respondent No.5 through its office bearer. In spite of service of notice, neither respondent No. 5 has appeared in person or through his counsel. Therefore, the respondent No.5 is set ex.-parte.



2. Petitioner has filed the present writ petition challenging the letter dated 28.04.2023 issued by the respondent-Bank whereby the respondent No.5-Union has been recognized as valid Union.

3. Learned counsel for the petitioner has stated that initially the petitioner-Union was recognized by the bank and an agreement was also entered between the two. That the recognition was for an initial period of two years and, therefore, the petitioner applied for extension. However, due to various reasons, the extension could not be done. Thereafter, respondent-Bank issued the letter dated 28.04.2023, impugned in the writ petition recognizing the respondent No.5. Learned counsel has stated that authorities have deliberately kept the application made by the petitioner for renewal of the recognition pending for almost two years and passed the impugned order in favour of the respondent No.5 with an ulterior motive. Learned counsel has stated that without giving the petitioner an opportunity, of hearing on notice, the impugned order has been passed by the respondent-Bank. Further, it is stated that the respondent-Bank have issued Exhibit P-16, suspending the recognition issued in favour of respondent No.5. Therefore, the authorities may be directed to take a fresh look at the



application of the petitioner for renewal and pass necessary orders. Learned counsel has stated that though the petitioner was having more valid members, the authorities have deliberately not taken the same into consideration passed the impugned order. Learned counsel has thereupon prayed that letter dated 28.04.2023 may be set aside and the matter remanded back to the respondent Bank for passing necessary orders on the recognition of the petitioner.

4. Per contra learned counsel appearing on behalf of the respondent-Bank has vehemently opposed the present writ petition. Learned counsel has stated that the authority duly taking into consideration the fact that as on the date of passing of the order, petitioner did not have requisite members. That as a matter of fact, the respondent No.5-Union have more members than the petitioner, therefore, the authorities in compliance with the rules framed by the Ministry of Labour have recognised the respondent No.5. Admittedly, in the present case, the impugned letter did not reveal that the petitioner was put on notice and nor given any opportunity of hearing before passing the order. The petitioner had applied for recognition on 30.06.2021 and thereafter the name of Union was changed. There is no indication in the letter as to whether authorities have taken into



consideration the number of valid members who was present as on the date of passing the orders.

5. Having regard to the above mentioned facts and circumstances, the impugned order dated 28.04.2023 is set aside. The matter is remanded back to the authorities concerned for taking a fresh decision on the entire issue and pass necessary orders strictly in accordance with law. The authority will pass the orders after duly taking into consideration the valid membership of the respondent No.5 as well as the petitioner as on date. Before passing any order, both respondent No.5 and petitioner shall be given an opportunity of presenting their cases.

6. It is made clear that the pendency of the civil suit filed by the respondent No.5 shall not be a ground for not passing the orders.

7. Entire exercise shall be completed as expeditiously as preferably within a period of 12 weeks from the date of receipt/ production of a copy of this order.

8. With the above direction, this writ petition stands disposed of.

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(A. Abhishek Reddy , J)

