

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16678 of 2023**

=====

Arun Kumar Singh Son of Kailash Prasad Singh Resident of Village-Deodah,  
P.S.-bath Afzuganj, District-Bhagalpur, Bihar, 813213

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue Government of Bihar, Patna.
2. The Registrar Cooperative Society, Patna.
3. The Managing Director, the Bhagalpur Central Cooperative bank Limited, Jageshwar Mandal Bhawan, red Cross Road, Adampur, Bhagalpur, 8012001.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Prabhat Ranjan Singh       |
| For the Respondent/s | : | Mr. Zeeshan Kalim, AC to SC 20 |
| For the Bank         | : | Mr. Rakesh Kumar Jha, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-01-2024                      Heard learned counsel for the parties.

2. The petitioner who superannuated on 31.08.2015 from the post of In-charge, Assistant Manager, Bhagalpur Central Cooperative Bank Limited, Kahalgaon has filed the present writ petition seeking a direction upon the respondent authorities to ensure payment of his retiral dues, including the gratuity along with the annual pay increment with compound interest, in terms of the Payment of Gratuity Act, 1972.

3. It is submitted on behalf of the petitioner that in identical situation, one of the employee of the Bhagalpur Cooperative Central Bank Limited had approached this Court in CWJC No. 5546 of 2020, wherein the learned coordinate Bench



of this Court directed to ensure payment of compound interest @ 15% in terms of Payment of Gratuity Act, 1972 and rules framed there under within a period of three months. He submits that he would be satisfied, if the writ petition shall be disposed of in terms of aforementioned order with a direction to the respondent to consider the claim of the petitioner. The learned counsel for the petitioner also made reliance to the Annexure 5 to the writ petition, whereby the Board of Director in its meeting dated 09.12.2021 made proposal to extend annual pay increment in favour of the petitioner.

4. At this juncture, Mr. Rakesh Kumar Jha, learned counsel for the Bhagalpur Central Cooperative Bank Limited, submits that so far the present writ petition is concerned the same is not maintainable in view of the judgment rendered by coordinate Benches of this Court as well as learned Division Bench in the case of ***Raj Bansh Singh Vs. the Bihar State Scheduled Caste Cooperative Development Corporation Ltd. & Others in LPA No. 703 of 2018***. Further reliance has also been made on a judgment/order dated 30.06.2011 in CWJC No. 479 of 2011, in relation to an identical employee, namely, Sheo Prakash Mandal, who was also an employee of the same bank where in, the Hon'ble Court has held that the petitioner has an



efficacious remedy in terms of Section 48 of the Bihar Cooperative Societies Act, 1935 where the issue can be raised or referred.

5. This Court finds, substance in the submission advanced on behalf of the learned counsel for the Bank and thus, the present writ petition stands disposed of with a direction to the petitioner to avail the efficacious alternative remedy before the Registrar, Cooperative Society under Section 48 of the Act.

6. Needless to observe that in case the petitioner shall raise his grievance before the Registrar, Cooperative Society, the same shall be considered and disposed of in accordance with law expeditiously after taking into consideration the order/ judgment of this Court on which his claim is based.

7. The writ petition stands disposed of with the aforesaid observation.

**(Harish Kumar, J)**

Ranjeet/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

