

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17258 of 2023

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1. Anil Kumar, Son of Aklu Singh, Resident of 502, Usha Kunj Apartment, Ambedkar Path, Bailey Road, Rukanpura, P.S.- Rajiv Nagar, District- Patna.
 2. Kameshwar Prasad Singh @ Kameshwar Singh, Son of Halkhori Singh, Resident of Village- Karma, P.S. Surajpura, District- Rohtas.
 3. Mira Kumari, Wife of Sumant Kumar, Resident of 236, Pataliputra Colony, P.S. Pataliputra, District- Patna.
 4. Rita Jha, Daughter of Late Umakant Thakur, Resident of Quarter No. 7A, Officers Flat Bailey Road, P.S.- Shashtri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Co-operation, Government of India, New Delhi.
2. The Secretary, Department of Co-operation, Government of India, New Delhi.
3. The Central Registrar, Co-Operative Societies, Ministry of Co-operation, New Delhi.
4. The Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
5. The Registrar, Co-operative Societies, Bihar, Patna.
6. The Chief Executive Officer, Bihar Co-Operative Federation Ltd. Budhamarg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Mahtab Alam, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-01-2024

Heard Mr. Sanjay Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Mahtab Alam,
learned AC to SC-20 for the State.

2. The petitioners, who were employees of the



Bihar Co-operative Federation Ltd., Patna registered under Bihar Co-operative Societies Act, 1935 and at present it comes under Multi State Co-operative Societies Act, 2002, filed the present writ petition seeking a direction upon the respondents to ensure payment of their post-retiral dues as well as salary along with statutory interest, which has been withheld by the respondents without any justifiable reason and in a most arbitrary manner.

3. It is submitted on behalf of the petitioners that despite having accepted the admissibility of the post-retiral and other dues by the Bihar Co-operative Federation Ltd., Patna, the same has not been paid to the petitioners. In support of his submission, a list of the employees along with their respective due amounts has been brought on record by way of Annexure-1 to the writ petition. He further submits that for redressal of their grievances, the petitioners have also filed several representations before the respondent no.6, but to no avail. He lastly submits that the petitioners are senior citizen and more than 60 years of age, facing a huge financial crunch, apart from the old age problem, have no remedy except the writ of mandamus from this Court.

4. At the outset, learned counsel for the State



submits at the bar that so far the present writ petition is concerned, the same is not maintainable in view of the fact that the Co-operative Federation does not qualifies the definition of State under Article 12 of the Constitution of India.

5. Having heard the parties and without delving into the issue, as to whether Co-operative Federation qualifies the definition of “State under Article 12 of the Constitution of India or not, this Court is of the view that any body discharging public function is amenable to writ jurisdiction, even if it is not “State” within the meaning of Article 12 of the Constitution, as has been held in various pronouncement by the Hon’ble Supreme Court, vide, **Zee Telefilms Ltd. and Another Vs. Union of India and Ors.**, reported in (2005) 4 SCC 649, **Board of Control For Cricket In India Vs. Cricket Association of Bihar and Others**, reported in (2015) 3 SCC 251.

6. In view of the aforesaid mandate of the Hon’ble Supreme Court, the present writ petition stands disposed of with a direction to respondent no.6 to consider the claim of the petitioners in the light of Annexure-1 and ensure payment of admissible dues to the petitioners preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.



7. This disposes the writ petition.

(Harish Kumar, J)

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

