

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.102 of 2020

In
Civil Writ Jurisdiction Case No.18549 of 2017

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1. The Uttar Bihar Gramin Bank Head Office, Kalambagh Chowk, District Muzaffarpur-842001 (Bihar) through its Chairman.
 2. The Chairman, Uttar Bihar Gramin Bank, Kalambagh Chowk, District-Muzaffarpur-842001 (Bihar).
 3. The General Manager, Uttar Bihar Gramin Bank, Kalambagh Chowk, District-Muzaffarpur-842001 (Bihar).

... .. Petitioner/s

Versus

Nawal Kishor Prasad Singh Son of Late Rajendra Prasad Singh Residen tof Bharti House, Rahamganj (Back of outdoor Ward of DMCH, Darbhagna), P.S.-Laheriasarai, Darbhanga-846004.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Alok Kumar, Advocate Mr. Pranav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-06-2025 Heard Mr. Ajay Kumar Sinha, learned Senior counsel for the petitioner (Uttar Bihar Gramin Bank) and learned counsel, Mr. Alok Kumar representing the opposite party (writ petitioner).

2. The present review petition has been preferred for the following relief(s):

“for seeking review of the judgment dated 18.06.2020 passed by the Hon’ble Mr. Justice Ahsanuddin Amanullah (as his lordship then was) in CWJC No. 18549 of 2017 by which



the writ petition has been disposed of.”

3. The writ petitioner moved before this Court with a prayer to set aside the order dated 17.10.2016 passed by the General Manager Gramin Bank, Muzaffarpur (hereinafter referred as ‘the Bank’) by which it was informed that due to pendency of Criminal Case no. 01 of 2012 (Economic Offence) relating to corruption charge of Simri Branch, he will not be entitled for the payment of retiral dues until the proceedings are completed and final order passed (Annexure-5 to the writ petition).

4. The writ Court took up the matter on 18.06.2020 where the learned counsel for the writ petitioner produced an order of the Patna High Court in **CWJC No. 2819 of 2014 (Lakshmeshwar Prasad Roy @ Rai Son vs Uttar Bihar Gramin Bank & Ors.)** to show that in similar situate matter, relief has been extended to the said writ petitioner. The relevant paragraph of the order passed in **Lakshmeshwar Prasad Roy** (supra) read as follows:

“31. In view of the discussions made above and the ratio laid down by the Supreme Court in the decisions noted above, I am of the considered opinion that the petitioner may not be



entitled to receive any pay or allowances during pendency of the criminal proceeding initiated against him keeping in mind the provisions prescribed under the regulation 45 of 'the Regulations, 2010', but in absence of any disciplinary proceeding and in absence of having been convicted of any criminal charge, it is not within the jurisdiction of the respondent Bank to withhold his retirement benefits.

32. Accordingly, the respondents are directed to release the terminal benefits of the petitioner within three months from the date of receipt/production of a copy of this order. Any contrary order passed by the Chairman of the Bank in this regard stands quashed. The Competent Authority of the Bank shall consider the claim of the petitioner regarding the outstanding dues for the period of suspension after the judgment in the criminal case initiated against him.

33. The writ application stands allowed to the extent indicated hereinabove.

34. The parties shall bear their own



costs.”

5. In that background, the writ Court granted liberty to the petitioner to file representation before the competent authority of ‘the Bank’ which was to be disposed of in a particular period.

6. The claim of the writ petitioner is that a representation was filed. Instead of taking up the representation to its logical conclusion, the Bank choose to prefer review petition.

7. The contention of learned Senior counsel is that the old pension scheme was not introduced in ‘the Bank’ which has now been introduced, the petitioner opted for old pension which was accepted in the year 2019 and as such, the provision of Uttar Bihar Gramin Bank (Employees Pension Regulation, 2018) shall become applicable in this case.

8. Learned counsel representing the writ petitioner on the other hand submits that he simply wanted his retiral dues to be cleared and has not questioned the scheme existing at the time, the petitioner retired/opted for it. He further submits that the payment has already been cleared by ‘the Bank’ with a rider that it will be subject to the outcome of the present review petition.



9. This Court has gone through the facts of the case, the submission of the parties as also the order of the writ Court in **Lakshmeshwar Prasad Roy** (supra). Certainly, in the present case, taking note of the order passed in **Lakshmeshwar Prasad Roy** (supra), it only wanted ‘the Bank’ to dispose of the representation of the petitioner, if so preferred. Instead of doing so, ‘the Bank’ rushed to this Court filing review petition incorporating certain facts as submitted by learned Senior counsel which has got no relevance in the present case.

10. In that background, having found no merit in the case, the review petition stands dismissed.

11. The Court wanted to impose cost upon ‘the Bank’ for filing review petition instead of disposing of the representation but in view of the fact that during the pendency of the present petition, the benefits have been extended to the writ petitioner as accepted by learned counsel, it refrains from doing so.

(Rajiv Roy, J)

Adnan/-

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