

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25299 of 2013

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Shyam Kumar Sharma Son Of Late Rajeshwar Prasad Sharma Resident Of
Village- Maniyawan, Police Station- Kazisarai, District- Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Managing Director, Magadh Central Co-Operative Bank Ltd., Gaya
3. The Administrator, Magadh Central Co-Operative Bank Ltd. Gaya
4. The Registrar, Co-Operative Societies, Bihar, Patna
5. The Additional Registrar, Planning Co-Operative Societies, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.Purnendu Singh

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

3 28-01-2026 1. This Writ petition has been filed with a prayer for direction to the respondents to pay the salary to the petitioner from 1989 to 26.06.2006 with statutory interest as to when the petitioner superannuated on 30.04.2007.

2. The brief facts of the Writ petition are that the petitioner had earlier filed a Writ petition vide CWJC No. 5186/2012 before this Court and this Court vide order dated 19.07.2012 disposed of the said Writ petition, directing the respondents not to deny the post retiral dues like gratuity, CPF



and leave encashment and the respondent authorities of the Bank were directed to ensure that all the post retiral benefits as claimed by the petitioner are paid to him in accordance with law within a period of three months from the date of receipt/production of a copy of that order. However, the respondents shall be entitled to retain part of the amount of Rs. 50,795.40/- allegedly defalcated by the petitioner, which has not yet been refunded by the petitioner, subject to the verification of the claim of the petitioner of his having refunded an amount of Rs. 49,000/-.

3. It is the case of the petitioner that he was appointed as an Assistant in Gaya-Jehanabad-Aurangabad Central Co-operative Bank Ltd. on 01.01.1971. Thereafter, he was promoted to the post of Assistant Manager in the year 1985 and continued on the said post till 30.06.1998.

4. On 30.06.1998, the petitioner met with an accident in which he sustained certain injuries as such, he applied for leave through his letter dated 01.07.1988. The Managing Director of the



Bank also informed the petitioner that he could remain on leave until he fully recovers from the injuries. Later, the petitioner was declared fit by the Doctor and the petitioner joined at the Headquarters of the Bank at Gaya. While the petitioner was working at the Headquarters, he received a letter bearing no. 921 dated 11.04.1989 by the Administrative Officer of the Bank and the petitioner was directed to file his show-cause reply within a week for a departmental proceeding having been initiated against him. Further the petitioner was suspended on 21.09.1989. Thereafter, a departmental proceeding was initiated on 15.02.1990. The petitioner's suspension was subsequently revoked on 21.08.1993 and he joined the post of Assistant Manager, Barachatti Branch of the Bank at Gaya. The petitioner, however, was dismissed from service on 01.03.1995. Against which, the petitioner preferred a Service Appeal No. 27/1995 before the Registrar, Co-operative Societies, Bihar, Patna and the said appeal was allowed on



26.08.1996, setting aside the order of dismissal. However, the Bank had communicated that the petitioner was dismissed from service vide memo no. 853 dated 29.01.1997. Against which also, the petitioner preferred Service Appeal No. 91/1997 before the Registrar, Co-operative Societies, Bihar, Patna. The Additional Registrar heard the matter basing on the orders and directions of this Court contained in CWJC No. 3471/2002, allowed the said appeal vide order dated 26.07.2002 and again the order of dismissal was set aside with a direction to the Disciplinary Authority to pass appropriate order of punishment except the order of dismissal from service.

5. Against the said order dated 26.07.2002, the Magadh Central Co-operative Bank Ltd, Gaya preferred a Writ petition before this Court vide CWJC No. 13686/2002, which stood dismissed as withdrawn vide order dated 04.01.2007.

6. The petitioner filed an application on 17.09.2007 in the office of the Managing Director



that he joined service on 27.02.2006 and, thereafter he superannuated from service on 30.04.2007 and requested the concerned authority to pay dues amount. Further, the petitioner also filed an application on 17.09.2010 before Managing Director for issuing due retiral benefits along with arrears of salary.

7. It also appears that an F.I.R. was lodged against the petitioner vide Makhdumpur P.S. Case No. 78/10 for the offence under Section 409 IPC, in which, it has been alleged that the petitioner while in service misappropriated an amount of Rs. 50,795.40/- during the period since 14.02.1987 to 19.03.2010.

8. Being aggrieved, the petitioner approached this Court by filing CWJC No. 5186/2012 which has been discussed in the preceding paragraph of this order.

9. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents. Perused the records.

10. Since the authorities are not paying the



arrears of salary to the petitioner since 1989 to 2006, the present Writ petition has been filed.

11. It is the contention of the Learned counsel for the petitioner that the petitioner has made a representation before respondent no. 2/the Managing Director, Magadh Central Co-operative Bank Ltd, Gaya, which has been annexed in the Writ petition as Annexure -6, in which the petitioner has requested for ensuring the payment of arrears of salary for the relevant period as also other post retiral dues. It is stated that the respondents have neither ensured the payment nor have disposed the representation of the petitioner.

12. Without going into the merits of the case, this Writ petition is disposed of with a direction to respondent no. 2 to consider and dispose of the representation of the petitioner by a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

13. Needless to state that the authority



before passing any order on the said representation, shall afford an opportunity to the petitioner of being heard.

14. With the aforesaid observation /direction, the Writ petition stands disposed off.

(G. Anupama Chakravarthy, J)

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