

(2020) 12 PAT CK 0012

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 22868 Of 2018

Janardan Prasad Singh

APPELLANT

Vs

Bihar State Co-Operative Land Development Bank And Ors

RESPONDENT

Date of Decision : 02-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0012

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Md. Harun Quraishi, Arjun Prasad, Rajesh Prasad Choudhary

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Md. Harun Quraishi, learned counsel along with Mr. Arjun Prasad, learned for the petitioner and Mr. Rajesh Prasad Choudhary, learned counsel for the Bihar Multi State Co-operative Land Development Bank Ltd. (hereinafter referred to as the "Bank").

3. On 11.11.2020, the matter was adjourned for today in view of the stand taken by learned counsel for the petitioner that though in the counter

affidavit filed on behalf of the Bank, it was shown that the petitioner has been paid his due under the heads of CPF, Group Insurance and gratuity, but

the payment of gratuity had not been made to him. On such stand, learned counsel for the Bank had taken time to take specific instructions with

regard to whether gratuity shown to have been paid in the chart had been actually paid to the petitioner.

4. Today, learned counsel for the Bank submitted that the petitioner has been

paid the amount under Cheque No.697725 dated 9th March, 2015, which was received by the petitioner on 24th March, 2015 itself.

5. Having regard to the aforesaid, the writ petition stands disposed off.

6. At this stage, learned counsel for the petitioner submitted that he is very sick and is in dire need of money being old in age also.

7. On such stand, learned counsel for the Bank took a stand that in order dated 09.04.2013 read with order dated 10.07.2013, in the case of Kamla

Prasad Sharma and others and analogous cases, a direction has been given to pay in terms of the chronological order of the chart prepared by the

Bank based on the date of superannuation in which a window has been given that if there is special requirement by any employee for out of turn

payment on the ground of medical or other emergent situations, it would be open for the person to represent before the Bank, which would be looked

into by a Committee and if finds that the petitioner is in requirement of consideration for out of turn payment, the same can be paid to him.

8. In view thereof, the Court would observe that though the Bank would be obliged to maintain the schedule of payment in terms of the list prepared

by them, but if the petitioner is faced with some genuine requirement for out of turn payment, it shall be open to him to file a detailed representation

along with supporting materials to justify such payment, which shall be considered by the Bank both in accordance with law as well as taking into

account the humanitarian aspect.