(2011) 08 JH CK 0137

In the Jharkhand High Court

Case No : Writ Petition (S) No. 954 of 2009

Ram Kishore Narayan and Others APPELLANT

Vs

The State of Jharkhand and Others RESPONDENT

Date of Decision : 10-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0137

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.R. Prasad, J.—Heard the parties.

2. Learned Counsel appearing for the Petitioners submits that all these Petitioners, who were working in Hazaribagh Central Cooperative Bank, Hazaribagh (for short Cooperative Bank), got retired after the year 1994, but the pay of these Petitioners was not revised even though the decision was taken for revision of pay under an order (Annexure-1) passed by the Registrar, Cooperative Society, Bihar, Patna on 4.11.1994.

3. Learned Counsel further submits that under the said order, decision was taken that the salary of the staffs of the Cooperative Bank would be revised, if the managerial expense does not exceed 2% of the working capital. However, pay was not revised as according to the case of the Respondents, managerial expenses were more than 2% of the working capital but subsequently, words ''managerial expenses'' were substituted by words ''establishment cost'' under order, as contained in Memo No. 1226 dated 9.6.2008 (Annexure-2). In spite of that, benefit of revision of pay was not extended to these Petitioners though establishment cost would not have exceeded more than 2% of the working capital and hence, these Petitioners have moved to this Court.

4. As against this, learned Counsel for the Respondents-Cooperative Bank submits that under resolution dated 4.11.1994, specific stipulation was there

that if the managerial expenses exceed 2% of the working capital of the Cooperative Bank, pay of the employees of the Cooperative Bank would not be revised in terms of that order dated 4.11.1994 and since in case of the Cooperative Bank, where the Petitioners were working, managerial expenses exceeded 2% of the working capital, salaries of the staffs of the Cooperative Bank were never revised in terms of the order dated 4.11.1994 and since the pay had not been revised even of the working staffs, these Petitioners, who got retired after 1994, are not entitled to get relief which has been sought for.

5. It was further submitted that in course of time, when the Bank earned profit, a decision was taken under the order, contained in Annexure-2, to revise the pay w.e.f. 1.4.2008 but these Petitioners, who got retired earlier to 1.4.2008, are not entitled to have revision of pay.

6. I do find substance in the submission advanced on behalf of the Respondents-Cooperative Bank.

7. It does appear that under order dated 4.11.1994 a resolution was taken to revise the salary of the staffs of the Cooperative Bank provided the managerial expenses do not exceed 2% of the working capital. But in case of the Cooperative Bank where these Petitioners were working expenses according to the Respondents since exceeded more than 2% of working capital benefit of revision could not be extended to the staffs. Subsequently, the words ''managerial expenses'' were substituted under order dated 9.6.2008 by words ''establishment cost'' and thereby the Cooperative Bank according to the case of the Petitioners came within the criteria of the order dated 4.11.1994 (Annexure-1) entitling the staffs of the Cooperative Bank to have revision of pay. But these Petitioners would not be getting any benefit of it as under order issued on 9.6.2008 (Annexure-2) decision was taken to revise the pay w.e.f. 1.4.2008 before which date all these Petitioners had retired. Accordingly, these Petitioners are not entitled to relief as claimed in this writ application.

8. Hence, I do not find any merit in this writ application and it is, accordingly, dismissed.

