

(2002) 04 PAT CK 0016
In the Patna High Court
Case No : C.W.J.C No. 8911 of 2000

Sawalia Singh and Others

APPELLANT

Vs

Bihar State Co-operative Land Dev Bank Ltd. and Others

RESPONDENT

Date of Decision : 29-04-2002

Acts Referred:

Citation : (2003) 1 PLJR 753

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Aftab Alam, J.—Heard Mr. Ram Balak Mahto, learned Senior Advocate in support of this writ petition.

2. The three Petitioners who were the employees of the Bihar State Cooperative Land Dev. Bank Limited were compulsorily retired from service by orders, dated 25.3.2000 (Annexure 1 series). This writ petition has been filed challenging those orders. The impugned orders are innocuous and simply state that the concerned employees had attained the age of 50 years and in the opinion of the Managing Committee of the Bank it was in the interest to retire them from service (sic) the order of their compul(sic) from service.

3. Mr. Mahto submitted that the order of compulsory retirement was merely a ruse and the Petitioners were in fact removed from service as a measure of punishment. Learned Counsel stated that the Petitioners were earlier given a notice to show cause on certain charges. They gave their reply to the show cause notice whereupon the charges were apparently dropped but later on the orders of compulsory retirement was passed against the Petitioners.

4. I am unable to see any co-relation between the two. The disciplinary authority may decide not to initiate a disciplinary action against the Petitioners on the charges in question and yet the Managing Committee may decide to retire them in public interest. In the facts of this case, there is no conflict between the

decision of the disciplinary authority not to proceed against the Petitioners and the decision of the Bank's Managing Committee to compulsorily retire them from service.

5. Mr. Mahto next submitted that another employee, namely, Kapildeo Narain Singh was granted extension even after his retirement and on the other hand the Petitioners were being compulsorily retired even before they attained the age of 58 years, the normal age of retirement.

6. In para 20 of the counter affidavit, it is stated that Kapildeo Narain Singh was a capable and efficient officer and his services were valuable to the Bank and, therefore, he was granted extension even after the age of superannuation. On the face of it, there is no connection between the compulsory retirement of the Petitioners and the extension granted to Kapildeo Narain Singh. (sic) impugned orders by which the three Petitioners were compulsorily retired and no case is made out for any interference by this Court. This writ petition is dismissed.

8. This order is being passed in presence of Mr. Kalyan Kumar Ghose, counsel for the Bank.