
(2015) 07 PAT CK 0062

In the Patna High Court

Case No : Letters Patent Appeal No. 1241 of 2013 in Civil Writ Jurisdiction Case No. 6012 of 2008

The Bihar State Co-Operative Land Development Bank and
Others

APPELLANT

Vs

Ram Karan Singh

RESPONDENT

Date of Decision : 14-07-2015

Acts Referred:

Citation : (2015) 07 PAT CK 0062

Hon'ble Judges : N.P. Singh, J;Nilu Agrawal, J

Bench : Division Bench

Advocate : Y.V. Giri, Senior Advocate and Rajesh Prasad Choudhary, for the Appellant

Final Decision : Disposed off

Judgement

N.P. Singh, J.

1. The present intra-Court Appeal is directed against the judgment and order dated 23.09.2011 passed by learned Single Judge of this Court in CWJC No. 6012 of 2008 (Ram Karan Singh -Versus- the Bihar State Cooperative Land Development Bank and Others).

2. IA No. 7136 of 2013 has been filed for condoning the delay.

3. Having heard the learned Senior Counsel for the appellants Shri Y.V. Giri, we are satisfied, for the reasons as stated in the application, that there are sufficient grounds for condoning the delay and entertaining the appeal on merit. Delay in filing the appeal is condoned.

4. IA No. 7136 of 2013 stands disposed of.

5. Shri Giri submits that this Court, by order dated 09.04.2013 in Kamla Prasad Sharma -Versus- State of Bihar and Others being CWJC No. 14799 of 2012 and analogous cases laid out a scheme for liquidation of arrears of payments due to

the employees of the Bihar State Cooperative Land Development Bank (For brevity, the Bank). In that order, it was clearly observed that payment, in order of seniority, would be arbitrary inasmuch as some employee would get all his payments whereas another would get nothing. It was further observed that if this Court passed orders in individual cases to make payment regarding the scheme set up by this Court then it would only encourage litigation and administrative chaos at the level of the Bank. It was, therefore, necessary for all Courts to adhere to the scheme. Under the scheme, as propounded, the Bank was directed first to tabulate the total arrears of all retired employees and display them at all offices and branches of the Bank. Any person having objection, there was a redressal mechanism envisaged. That has already been done. Then so far as CPF is concerned, there being no scheme for payment of pension, again directions were given as to how claims would be lodged and payments received from the Central Provident Fund itself directly where the money is lying. Learned Senior Counsel informs that those payments are being made in accordance with the directions of this Court. Then we have payments with regard to Group Insurance, Gratuity, Leave Encashment and Arrears of Salary. In the scheme, this Court had directed that one head, at a time, should be taken and all dues of the retired employees under that head be cleared. This way, one by one all retired employees would be getting something and progressively all their dues would be liquidated.

6. It may be noticed that this scheme has been accepted by the Jharkhand High court which itself is monitoring payments as per this scheme.

7. The grievance of the learned Senior Counsel for the appellants in this regard is that, notwithstanding the aforesaid scheme, employees, who come to this Court or who had come earlier to this Court, are benefiting by orders of payment disregarding the scheme and writs are being issued for payment disregarding either the seriatim or the scheme. We are of the considered view that at least, in judicial matters, uniformity is expected by the citizens and, accordingly, when once a Court has formulated a scheme, which is working well and is for the benefit of all the employees without discrimination, it is expected that all Courts would follow the same. This would not only control the unnecessary litigation but would be transparent in implementation.

8. As we are not disputing or denying the right of the contesting private respondent, who was the writ petitioner and whose claim or entitlement which even the Bank has not denied, in the facts and circumstances noted above, we set aside the order under appeal being order dated 23.09.2011 passed in CWJC No. 6012 of 2008, without even notice to the contesting respondent, the writ petitioner with a direction that the detailed scheme, as envisaged by the Court and noticed above, would be strictly adhered to all payments in respect of arrears that are to be made to the retired employees. It is expected that within next six months, all heads, with the exception of arrears of salary, would be cleared in respect of all employees. Thereafter, in the same manner

proportionately, all employees would be paid their arrears from time to time, notices whereof would, as already indicated, be given at all offices and branches of the Bank. It is hoped and expected that all Courts, for the sake of uniformity, would seek to adhere to the scheme, as indicated above.

9. This appeal is, accordingly, disposed of in the terms aforesaid.