

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 51 of 2023

1. Ram Dulari Devi, aged about 51 years, widow of Late Ramesh Prasad Sah, resident of House No. 64, Ward No. 10, Gandhichak, Rohini, P.O. Rohini, P.S. Jasidih, District Deoghar.

2. Aliya Khatoon, aged about 66 years, widow of Late Md. Kalamuddin, resident of Meena Bazar, Hazi Gali, P.O. and P.S. Madhupur, District Deoghar.

3. Ram Rudra Singh, aged about 67 years, son of Late Rup Narayan Singh, resident of Village Gariya, P.O. and P.S. Madhupur District Deoghar. Petitioners

Versus

1. The State of Jharkhand.

2. The Deputy Commissioner-cum-Administrator Deoghar-Jamtara Central Co-operative Bank Limited, P.O., and P.S. Deoghar, District Deoghar.

3. The Managing Director, Deoghar-Jamtara Central Co-operative Bank Limited, having his office at Deoghar-Jasidih Road, P.O. and P.S. Deoghar, District Deoghar.

4. The Registrar, Co-operative Societies, having his office at Engineers' Building, Hostel No.3, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.

5. The Jharkhand State Co-operative Bank Limited, Ranchi, having its office at Engineers' Building, Hostel No.3, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.

6. The State of Bihar. Respondents

With

W.P.(S) No. 619 of 2023

1. Mahadeo Mandal, aged about 77 years, Son of late Munshi Mandal, resident of Village Raghuwadih, P.O. Kala Dumaria, P.S. Taljhari, District-Dumka.

2. Sonalal Marandi, aged about 65 years, son of Late Dipu Marandi, resident of village Dumma, P.O. Tarajori, P.S. Jama, District-Dumka.

3. Dulari Marandi, aged about 69 years, widow of Late Satyanarayan Soren, resident of Hathwari, P.O. Gamharia, P.S. Masalia, District-Dumka.

..... Petitioners

Versus

- 1.** The State of Jharkhand.
- 2.** The Deputy Commissioner-cum-Administrator Deoghar-Jamtara Central Co-operative Bank Limited, P.O., and P.S. Deoghar, District Deoghar.
- 3.** The Managing Director, Deoghar-Jamtara Central Co-operative Bank Limited, having his office at Deoghar-Jasidih Road, P.O. and P.S. Deoghar, District Deoghar.
- 4.** The Registrar, Co-operative Societies, having his office at Engineers' Building, Hostel No.3, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
- 5.** The Chief Executive Officer, the Jharkhand State Co-operative Bank Limited, Ranchi, having its office at Engineers' Building, Hostel No.3, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
- 6.** The State of Bihar. Respondents

With

W.P.(S) No. 1770 of 2023

Nawal Kishore Singh, aged about 73 years, son of Late Dudheshwar Singh, resident of Jhikatiya, P.O. Hiring, P.S. Hunterganj, District-Chatra. Petitioner

Versus

- 1.** The State of Jharkhand.
- 2.** Registrar, Cooperative Societies, Jharkhand, having its office at Pushupalan Bhawan, 3rd and 4th Floor, Khunti Road, Hesag, P.O. and P.S. Hatia, District-Ranchi.
- 3.** Deputy Registrar, Cooperative Societies, Jharkhand, having its office at Pushupalan Bhawan, 3rd and 4th Floor, Khunti Road, Hesag, P.O. and P.S. Hatia, District-Ranchi.
- 4.** Jharkhand State Cooperative Bank Limited through its Chief Executive Officer having its office at Shaheed Chowk, P.O. G.P.O.P.S.Kotwali, District-Ranchi.
- 5.** Chief Executive Officer, Jharkhand State Cooperative Bank Limited having its office at Shaheed Chowk, P.O. G.P.O.,P.S.Kotwali, District-Ranchi.

.... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Durga Charan Mishra, Adv.
Mr. Abhijeet Anand, Adv.
(W.P.(S) Nos. 51 and 619 of 2023)

Mr. Afaque Ahmed, Adv.
(W.P.(S) No. 1770 of 2023)

For the Respondents : Mr. Sachin Kr. A.C. to S.C.-I
Mr. Binit Chandra, JC to AC
Bihar

09/12.08.2024 Heard learned counsel for the parties.

- 2.** All these writ applications have been preferred by the respective petitioners praying for a direction upon the respondent-Authorities to make payment of arrear amount payable to the petitioners for the respective periods as prayed in the respective writ petitions.
- 3.** Learned counsel for the respective petitioners submits that the issue involved in this writ application with regard to the payment of arrear of salary along with other consequential benefits have been decided in the case of ***Digambar Rai & Ors. Versus The State of Jharkhand & Ors*** (W.P.(S) No. 5986 of 2015) and several analogous cases.
- 4.** At the outset, learned counsels for the respective petitioner submits that the issue has already been decided and in some cases LPA was preferred by the respondent and the same was dismissed and in some cases LPA is still pending; as such all these writ applications may be disposed of in the line of direction made in the case of ***Digambar Rai (Supra)***.
- 5.** Learned counsel for the respondent fairly submits that in the case of ***Digambar Rai (Supra)*** the LPA filed by the respondents have already been decided and the issue involved in all these writ applications is also the same; as such the same order may be passed.

6. Having heard learned counsel for the parties and after perusing the order passed in the case of *Digambar Rai (Supra)*, it appears that the Co-ordinate Bench of this Court has decided the issue and directed the petitioner to approach the respondent-Co-operative Bank with their claim by filing representations. For brevity para 23, 24, 25, 26, 27, 40, 41 and 42 reads as under:-

"23. In view of the aforesaid findings, this Court is of the considered view that the impugned order dated 01.08.2013 passed by the Principal Secretary to the Government of Jharkhand, Department of Cooperation recalling the order dated 19.10.2012 cannot be sustained in the eyes of law and the same is accordingly set-aside.

24. This Court also finds that the order dated 19.10.2012 by which the Secretary of the cooperative department had asked the various cooperative banks to submit the details of the payment due to the petitioners/paid managers working under different cooperative societies so that appropriate allocation of fund as per the budget could be made, was in accordance with law in view of the fact that the fund from which the petitioners were to be paid included grant-in-aid from the State Government. It further appears that pursuant to order dated 19.10.2012, the necessary details have already been forwarded, but the same could not be taken to a logical end in view of the impugned order dated 01.08.2013 which recalled the order dated 19.10.2012.

25. Accordingly, this Court having set-aside the order dated 01.08.2013 directs the Secretary, Department of Agriculture, Animal Husbandry and Cooperative (the successor of Department of cooperation having merged with other departments) to take appropriate steps within a period of one month from the date of receipt of a copy of this order so that further action be taken in terms of the order dated 19.10.2012 for seeking budgetary allocation for release of grant for the respondent cooperative bank or its successor in interest. It is expected that the Government would take a humane approach and also consider the fact that the fund from which the payment was to be made to the paid managers, included grants from the state government as per the circular no. 503 dated 31.05.1989.

*26. Considering the judgment passed in the case of *Dhiren Kumar Mandal (Supra)* [which has been upheld by the Hon'ble Division Bench against which SLP has already been dismissed] wherein a 11 direction was issued to the cooperative bank to make payment, there can be no reason to have a different approach so far as the present writ petitioners are concerned. It is not in dispute that a number of similar directions have been made in different writ*

petitions from time of time.

27. Accordingly, the Chief Executive Officer, Jharkhand State Cooperative Bank is directed to release the admissible amount subject to verification of work done by the petitioners within a period of 3 months from the date of receipt of a copy of this order to be produced by the petitioners along with a representation and a copy of the writ records. Considering the order passed in WP(S) No. 1232 of 2016 dated 23.10.2019, it would be permissible for the respondent bank to adjust the payment so made against the grant-in-aid received from the state government.

40. However, the fact remains that the circular no. 503 dated 31.05.1989 clearly indicates that one of the components of the funds for payment to the paid managers will be by way of grant-in-aid from the State Government and therefore, the dispute between the respondent –cooperative bank and the State cannot be an impediment in release of any fund by way of grant –in-aid to the respondent – cooperative bank. The dispute between the respondent bank and the state does not make the case of the petitioners (paid managers) different from that of the paid managers who had worked under different district cooperative banks now merged with Jharkhand State Cooperative Bank. Further, there appears to be no discernable reasons for the State to treat the respondent cooperative bank differently from other district cooperative banks (now merged with Jharkhand state cooperative bank) at least in the matter of grant in aid for payment to paid managers in terms of circular no. 503 dated 31.05.1989.

41. Accordingly, this Court finds no reason to take a different view with regard to the present petitioners, other than the view taken in the case of “Dhiren Kumar Mandal Vs. The State of Jharkhand and Others” reported in 2016 SCC OnLine Jhar 523 and followed in subsequent judgements including in the connected with petition being WP(S) No.5986 of 2015.

42. The petitioners are directed to approach the respondent – cooperative bank with their claim by filing a representation along with 15 a copy of this order and a copy of the writ records and the respondent – Bank, upon verification and being satisfied with the period of work rendered by the petitioners, shall make the payment to the petitioners and the amount so paid will be adjustable against the grant-in-aid which may be released by the State Government in terms of circular no. 503 dated 31.05.1989 read with order passed in the connected writ petition being WP(S) No.5986 of 2015.”

7. After going through the order passed by the Co-ordinate Bench of this Court and the fair submissions by both the parties; all these writ applications are hereby, disposed of in the same line by directing the respective

petitioners to approach the respondent- Bank with their claim by filing the respective representations along with copy of this order and also the record of the writ application.

The respondent- Bank after verification of records; shall make the payment to them for the period of work rendered by the respective petitioners and amounts so paid will be adjustable against the grant-in-aid which was released by the State Government in terms of Circular No. 503 dated 13.05.1999.

8. Accordingly, all these writ applications stand disposed of. Pending I.As, if any stands closed.

(Deepak Roshan, J.)

Amardeep/-