

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 981 of 2016

1. Barun Kumar Rai
2. Mani Bhushan Singh
3. Barma Nand Bhaiya
4. Yogender Prasad Mandal
5. Kapil Deo Rai
6. Hirdesh Chandra Rai

--- --- Petitioners

Versus

1. The State of Jharkhand
2. Secretary, Department of Agriculture, Animal Husbandry & Co-operative, Govt. of Jharkhand
3. Registrar Co-Operative Society, Department of Agriculture, Animal Husbandry & Co-operative, Govt. of Jharkhand
4. Assistant Registrar, Co-operative Society, Deoghar Circle, Deoghar
5. Chairman, Deoghar Cooperative Grain Bank, Deoghar
6. Deoghar Cooperative Grain Bank, Deoghar through its Secretary

--- --- Respondents

CORAM: Hon'ble Mr. Justice Aparesh Kumar Singh

For the Petitioner: Mr. Mrinal Kanti Roy, Advocate

For the Resp - State: JC to SC-II

For the Resp No. 5&6: Mr. Prakash Chandra, Advocate

08/ 12.09.2018 Petitioners' services as Assistant in Deoghar Cooperative Grain Bank since 1986-87 have been terminated by the impugned decision of the Secretary, Deoghar Cooperative Grain Bank.

2. Grain Bank has taken a stand in their counter affidavit that due to non-payment of waived loan by the Government, Bank was not in a position to make regular payment of salary. As such, it had no option left to take work from the employee without having sufficient fund. This was the basis of their decision taken in the meeting of the Board held on 24.05.2015. As a consequence of which, petitioners' services were terminated. It is not a case of penalty in any departmental proceeding for any charge.

3. The stand of the Respondent State, as conveyed by learned counsel for the State on instructions, is to the effect that the Bank is a Society registered under Cooperative Societies Act, 1935 governed by its registered bye-laws. Board of Directors of the Bank have taken a decision under the powers vested in them. Respondent State accepts that the principal loan amount were waived as a policy decision of the State Government in the year 2004 and Central Government in the year 2008, but no such waived amount was deposited by the Government in the Society / Bank account. As such, it caused great financial shortage and hardship in maintaining all types of liability including payment of salary and

2.

other benefits to employees. That became the basis for the Board to take a decision to terminate the excess / surplus employees.

A peculiar situation has resulted, for which petitioners do not deserve blame but are the victims.

4. Evidently, stand of the Respondent State does not address the resultant impact of the loan waiver on the Bank in question. In the aforesaid circumstances, counsel for the Respondent State is allowed to seek specific instruction on this issue.

5. Let the case appear after three weeks under the appropriate heading.

(Aparesh Kumar Singh, J)

Ranjeet/