

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

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1. Barun Kumar Rai, S/o Late Dina Nath Rai, resident of Bidhu Bhushan Sarkar Road, Barmasia, P.O. & P.S. Deoghar, District - Deoghar - 814112.
 2. Mani Bhushan Singh, S/o Late Awadh Kishore Singh, resident of Williams town, P.O. & P.S. Deoghar, District Deoghar-814112.
 3. Barma Nand Bhaiya, S/o Late Kedar Nath Bhaiya, resident of Village Patajari, P.O. Patajari, P.S. Vidyasagar, District - Jamtara.
 4. Yogender Prasad Mandal, S/o Gena Prasad Mandal, resident of Village - Palojori, P.O. & P.S. Palojori, District - Deoghar.
 5. Pratima Devi aged about 59 years, w/o-Late Kapil Deo Rai, R/o-Belabagan, Durgabadi, P.O. & P.S.-Deoghar, Dist.-Deoghar.
 6. Hirdesh Chandra Rai, S/o Shri Chandreshwar Prasad Rai, resident of Village - Rai Bangla, P.O. & P.S. Deoghar, District - Deoghar.
-Petitioners**

Versus

1. The State of Jharkhand.
2. Secretary, Department of Agriculture, Animal Husbandry & Co-operation, Govt. of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District - Ranchi.
3. Registrar, Co-operative Society, Department of Agriculture, Animal Husbandry & Co-operation, Govt. of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District - Ranchi.
4. Assistant Registrar, Co-operative Society, Deoghar Circle, Deoghar, P.O. & P.S. & District - Deoghar.
5. Chairman, Deoghar Cooperative Grain Bank, Deoghar, P.O. & P.S. & District - Deoghar.
6. Deoghar Cooperative Grain Bank, Deoghar through its Secretary having its office at VIP Chowk, P.O. & P.S. & District - Deoghar.

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Chandan Tiwari, Advocate
 For the Respondent(s) : Mr. Shivam Singh, A.C. to S.C.-II
 Mr. Prakash Chandra, Advocate
 Mr. Virendra Kumar, Advocate

17/Dated:-16.03.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioners praying therein for quashing and setting aside the

letter bearing No. 45 dated 03.10.2015 and also letter bearing Nos. 49 and 50 dated 12.10.2015; whereby the 5th respondent has terminated the services of the petitioners without following the principles of natural justice and without initiating any proceeding against them.

3. The brief facts of this case as per the pleadings are that the petitioners are employees of Deoghar Cooperative Grain Bank which has been established by the State Government for initiation of providing assistance to the farmers in the agriculture sector by extending distribution of seeds, fertilizers, etc. to the farmers and the petitioners were employed by the Bank sometime in the year 1986-87 by the Management of the Society by issuing appointment letters and in pursuance of the appointment letter so issued, the petitioners joined services immediately thereafter.

4. All of a sudden, petitioners have been issued letter bearing No.45 dated 03.10.2015 and 49 and 50 dated 12.10.2015 (Annexure-1 series) wherein they have been informed that their services have been terminated with immediate effect in terms of the decision taken in the minutes of the meeting dated 24.04.2015 at Agenda No.4.

5. The decision was taken by Board of Directors of the Society in its meeting dated 24.04.2015. The copy of the said minutes has not been furnished to the petitioners; however, they were informed that Agenda No.4 contained a proposal to find out ways and means of reducing establishment cost and retaining the services of only those whose services were required. Further, in

the said meeting, the Board of Directors authorized the Chairman of the Society to take a decision in this regard.

6. Thereafter, the impugned annexure has been issued. Further, letter no. 45 dated 03.10.2015 has been issued in favour of Barun Kumar Rai, Barma Nand Bhaiya, Mani Bhushan Singh and Kapil Deo Rai. Similarly, letter No. 49 dated 12.10.2015 has been issued in favour of Barun Kumar Rai, Mani Bhushan Singh and Yogendra Prasad Mandal. Further, letter bearing No. 50 dated 12.10.2015 has been issued in favour of Barma Nand Bhaiya and Kapil Deo Rai.

7. Thereafter, services of the petitioners have been terminated in terms of Clause 21(X) of the Rules of the Society. Rule 21 deals with the powers and functions of the Board. Clause (X) of the said rule empowers the Board to appoint, remove, and pass orders of punishment against the employees of the Grain Bank (Annexure-2).

8. Learned counsel for the petitioners draws attention of this Court towards Annexure 1/1 and submits that by virtue of this order, the petitioners have been terminated only on the ground that the respondents are having no fund in order to continue their services. Further, this order has been passed without affording any opportunity to the petitioners and following principles of natural justice. He reiterated that no show cause notice has ever been issued to any of the petitioners before passing the order of termination.

9. Mr. Prakash Chandra, learned counsel appearing for

the respondent No.6-Deoghar Cooperative Grain Bank, Deoghar submits that it is true that the order of termination has been passed only for the reason that the fund for paying the petitioners any salary was not with them and therefore, there was no option for them, but to terminate their services. He further submits that with regard to other banks, the 6th respondent has also preferred a writ application being W.P. (C) No. 2935 of 2006 and the same was disposed of vide order dated 15.12.2022 itself which is annexed as Annexure-N to the supplementary counter affidavit, whereby this Court had directed the State to give the fund to the Bank, so that proper salary can be paid to the employees.

10. Having regard to the aforesaid facts and circumstances of the case, particularly, in view of the fact that it cannot be a ground of terminating the service of any person that there is no fund; as such, the impugned order requires interference on this score alone.

11. However, this Court cannot shut its eyes with the factual scenario that the 6th respondent is a Bank and in the year 2004, the State of Jharkhand declared that all agricultural cooperative loans of farmers up till 31.03.2003 will be waived under Agricultural Loan Relief Scheme, 2004 and due to waiver of loans as per the said relief scheme of 2004, they were not in a position to pay the salary to their employees.

12. Nonetheless, so far as the impugned order is concerned; it is reiterated that the same is not sustainable in the eyes of law and accordingly, the same is quashed and set-aside.

13. However, since the salary of the petitioners is indirectly depending on the grant from the State Government which has already given grant in the case of other banks except this bank; as such, the respondent-State is also directed to look into the matter for future course of action w.r.t. payment of grant to the Bank.

14. As aforesaid, the impugned order of termination of the respective petitioners, is hereby, quashed and set aside and they are directed to be reinstated in service within a period of eight weeks from the date of receipt of copy of this order.

15. As a result, the instant writ application stands allowed. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

March 16, 2026
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08.04.2026