

GP 21  
1/8/13

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**( Civil writ Jurisdiction )**

**M.F.C. No. of 2013  
( C.W.J.C. No. 3290/2008 )**

**Dhulal Sada ..... Petitioner.**

**Versus**

**The state of Bihar & ors .... Respondents.**

**Sub Restoration Petition**

**(Arrear of salary, non granted Co-operative Bank)**

**INDEX**

<b><u>Sl. No.</u></b>	<b><u>ANNEXURE Descriptions</u></b>	<b><u>Page No.</u></b>
1.	AN application Under Article 226 of the Constitution of India with Affidavit	1 to 6.
2.	Annexure-1: Photo copy of order dated 05.07.2013	7.

**IN THE HIGH COURT OF JUDICATURE AT PANA**

**( Civil writ Jurisdiction )**

**H.J.C. No.                      of 2013**

**( Arising out of G.M.J.C. No. 3290 of 2008 )**

**In the matter of an appli-  
cation Under Article 226 of  
the Constitution of India.**

**A N D**

**In the matter of 1st**

**Bhulai Sada, son of Sri Moti Sada, Resident of Village  
Pana, P.S. Saur Basar, District- Saharsa .**

**..... Petitioner.**

**Versus**

- 1. The state of Bihar.**
- 2. The Registrar, Co-operative societies, Bihar, Patna.**
- 3. The Additional Registrar ( Planning ) Co-operative  
Societies, Bihar, Patna.**

**..... ~~Respondent~~ / cont.  
Respondent.**

4. The Joint Registrar, Co-operative society, Koshi & Purna Commissioner.
5. The District Magistrate, Madhepura cum Liquidator, Madhepura Supaul, Central Co-operative Bank Ltd. Madhepura.
6. District Co-operative Bank Officer- cum Assistant Liquidator, District Samwasang Co-operative Committee Ltd. Madhepura- Supaul Central Co-operative Bank, Madhepura- cum- Member Secretary, Sarsa, District Co-operative Madhepura.

--- Respondents/O.P.s.

To,

The Hon'ble Ms. Rekha N. Doshit, the Chief Justice of the High Court of Judicature at Patna and her companion justice of the said Hon'ble High Court.

The humble petition on behalf of the petitioner above named.

Most respectfully sheweth :-

1. That this is an application for restoration of C.W.J.C. No. 3290/2008 ( Bhatai Sada Versus The State of Bihar & ors ) to its original file which was dismissed due to non prosecution on 05.07.2013 by Hon'ble Mr. Justice

Rakesh Kumar.

2. That the petitioner has not moved before this Hon'ble Court for the relief sought for in their application.

3. That the instant writ petition has been filed by the petitioner in the nature of Mandamus for commanding the respondents to pay the arrear of salary of petitioner from 1.1.94 to till today for which they have worked as PAGES Manager in the office of the Central Co-operative Bank Ltd. Madhepura. Further prayer of the petitioner is that the commanding the respondents to pay the salary as well as interest at the rate of 18% per annum to the petitioner on account of delayed payment of their salaries. Further prayer for issuance of any other writ/writs, order or orders, direction/directions to may deem fit and proper.

4. That it is stated that the case was running on list of serial no. 21 before Hon'ble Mr. Justice Rakesh Kumar which could not be marked by the Advocate's clerk due to inadvertance and as a result it was dismissed for

default on 5.7.2013.

5. That when this fact came into knowledge of the learned Counsel for the petitioner he immediately filed writ to obtain certified copy of order which was obtained on 16.07.2013. Thereafter this petition was filed.

6. That it is respectfully submitted that the petitioner is a poor man his several representation before the concern authority for the arrears of salary but uptill now the same has not been disposed of neither the grivances of petitioner have been redressed.

7. That if this case is not restored to its original file it will cause irreparable loss and injury to the petitioner.

8. That the counsel for the petitioner and their clerk beg pardon for the inconvenience caused to the Hon'ble Court Court, but it was never intentional or deliberated to.

It is therefore, prayed that your Lordships may graciously be pleased to restore this application to its original file.

A N D / O R .

- 3 -

Pass such other order/orders as  
your Lordships may deem fit and  
proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Bhutai Sada aged about 58 years, son of Moti Sada  
Co-operative Manager, Primary Agriculture Co-operative  
Society, Gadwa Ratanpur PACS ( Basantpur) District-Suraul,  
do hereby solemnly affirm and state as follows :-

1. That I am sole petitioner in this case and as such am  
well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read  
over and fully understood the same, and true to the best  
of my knowledge and belief.
3. That the Annexure is true photo/typed copies of  
its respective original.

7

Annexure - 1.

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Civil Writ Jurisdiction Case No.3290 of 2008

Bhutai Sada ..... Petitioner/s  
Versus  
The State of Bihar & Ors ..... Respondent/s

Appearance :  
For the Petitioner/s : Mr. Dinesh Kumar  
Mr. Brajesh Verma  
For the Respondent/s : Mr. (Gp19)  
Mr. Rakesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR  
ORAL ORDER

3 05-07-2013 Today again on call, none appeared on behalf of the petitioner either to press this petition or to make a prayer for adjournment. Yesterday also, none had appeared on behalf of the petitioner. Learned A.C. to Govt. Pleader no.21 is present.

The petition stands dismissed due to non-  
pro...

*sd/-*  
(Rakesh Kumar, J)

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)  
Patna High Court  
Notarized W/S YC A. 1 of 1274

Rakesh Kumar  
16/07/2013  
24/08/2013

GOVT. OF BIHAR  
REGISTRATION EXCISE & PROMPT  
COURT FEE  
BIHAR  
28.6.2013  
53259  
46  
GOVT. OF BIHAR  
REGISTRATION EXCISE & PROMPT  
COURT FEE  
BIHAR  
28.6.2013  
53259  
46  
GOVT. OF BIHAR  
REGISTRATION EXCISE & PROMPT  
COURT FEE  
BIHAR  
28.6.2013  
53259  
46