

HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.1916/12**

Case of **ISHWAR CHANDRA DEEN**

Applicant Ishwar Chandra Deen –a former employee of Sitamarhi Central Cooperative Bank has approached this Commission seeking its intervention for payment of retiral dues. He retired from service on 31.12.2007 and as on date of application, four and half years had passed but the dues had not been paid.

The dues have since been paid as per report of the Bank dated 18.12.2012, after adjusting the advance made to the applicant.

The matter was heard in presence of the applicant and Deputy Registrar (Hqrs.) Cooperative Societies who appeared along with Advocate Sri Sanjay Kumar on behalf of Registrar Cooperative Societies, on 21.12.2012. The Managing Director, Sitamarhi Central Cooperative Bank Ltd. did not cause appearance even though notice had been issued to him.

Applicant submitted that for delayed payment he is entitled to interest. He pointed out that he was charged interest on advances – while calculating the amount to be adjusted against retiral dues, but by reason of delayed payment, he was deprived of interest which the money would have earned – had the dues been paid on time, and deposited in the ordinary course in some bank.

On behalf of the Registrar Cooperative Societies it was submitted that the applicant was an employee of the Sitamarhi Central Cooperative Bank and his retiral dues were payable at the level of the Bank. On merit of the case it was submitted that the delay in payment was on account of the fact that the money was to be provided by the L.I.C. of India. The applicant pointed out that out of the dues (under three heads) the L.I.C had made available the gratuity money (sum of Rs.1,26,065) to the Bank in the year 2009 itself and therefore there was no justification to withhold payment of the amount of gratuity. It was stated that the Bank earned interest on the said deposit since 2009.

On consideration of the fact and circumstances, the Commission finds the applicant's complaint to be well founded. No doubt, money which had been given to the applicant by way of advance(s) under different heads had to be recovered, and adjustment against retiral dues was one of the modes of recovery. But whereas the Bank charged interest on the advance as a result of which the amount got increased, the applicant had to lose interest by reason of delayed payment. It was thus a case of, what is called, 'double whammy'. The

Commission is of the view that applicant should be paid compensation of rupees ten thousand for delayed payment.

The Commission, accordingly, directs Managing Director, Sitamarhi Central Cooperative Bank to pay rupees ten thousand to the applicant within a period of six weeks and submit compliance report to the Commission.

Copy of this order may be sent to Managing Director, Sitamarhi Central Cooperative Bank for compliance.

Copy of may also be sent to Registrar, Cooperative Societies, Bihar and the applicant for information.

Date: 26.12.2012

Justice S.N. Jha
Chairperson