

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2644 of 2015

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Bhaddo Paswan @ Bhado Paswan son of Late Baunu Paswan Resident of village - Naya tola Badluganj, Police Station - Ishipur (Peerpainti), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, Bhagalpur.
5. The Circle Officer, Peerpainti, Bhagalpur.
6. The Treasury Officer, Bhagalpur.
7. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate.
For the Respondent/s : Mr. S. Raza Ahmad, AAG 9
Mr. Vishambhar Prasad, AC to AAG 9
For the A.G. : Mr. L.P. K.Rajgrihar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 23-02-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:

"1. That the present writ petition is being filed on behalf of the petitioner above named who happens to be a Chaukidar posted in the Ishipur (Peerpainti Police Station) by virtue of an office order dated 23 December, 1992 issued under the signature of S.D.O. Kahalgaon for the payment of the entire post retiral dues as well as pension including his arrears of pension for the date of his superannuation in the year 1998. The petitioner had been working as a Chaukidar in Ishipur Police Station since 15.10.1966 which is apparent from the nomination roll dated 15.10.1966. Later on after the post of Chaukidar being declared as the post of a Govt. Servant by virtue of the notification dated 23.12.1992 as contained in memo no. 1719 issued under the signature of S.D.O. Kahalgaon the petitioner was absorbed in Govt. service."

2. Having regard to the admitted position that the petitioner was a Chaukidar, whose services were taken over by the State Government in terms of the Government Policy of the year 1990 with

effect from 23rd December 1992 and that the petitioner could continue only till 1998, there would be no question of the petitioner getting benefit of pension and other retirement benefits in terms of Bihar Pension Rules because the petitioner had not completed the minimum qualifying service of ten years.

4. The reliance placed by the learned counsel for the petitioner, on an order of this Court dated 12.05.2010 in C.W.J.C. No. 3872 of 2006 (*Daroga Yadav Vs. State of Bihar & Ors.*), is wholly misconceived because that was a case of take over of a hospital and for that the claim was not the one as in the case of the Chaukidar.

5. In any view of the matter, the Government Policy of taking over the services of Chaukidar, being brought into force with effect from 01.01.1990, no credit can be given for the past services for which actually there was no supervision and surveillance of the State of Bihar. In that view of the matter, the prayer of the petitioner in this case for payment of arrears and current pension since 1998 has to be necessarily held to be misconceived and ill-advised.

6. This writ application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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