

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12433 of 2015

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Hardeo Singh, son of late Bahal Singh, resident of Village- Udwant Nagar,
P.S.- Udwant Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Finance, Government of Bihar, Patna.
3. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Secretary, Department of Cooperative, Government of Bihar, Patna.
5. The Registrar, Co-operative Societies, Bihar, Patna.
6. The Finance Commissioner, Government of Bihar, Patna.
7. The Divisional Commissioner, Purnea.
8. The District Magistrate, Purnea.
9. The Additional Collector, Purnea.
10. The Chairman, Establishment Committee, District- Purnea.
11. The Block Development Officer, Kritya Nand Nagar, Block District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Advocate.

For the Respondent/s : Mr. Santosh Kumar Jha, GP 3

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 17-08-2015

Heard learned counsel for the parties.

2. After some arguments, learned counsel for the petitioner, as with regard to the following relief made in this writ application:-

"1.(a) The respondents concerned be directed to count the entire period of the service of the petitioner as Panch Manager for the purpose of his seniority in the present job and for the purpose of promotion and pension, after his adjustment in view of the judgment reported in (1988)8SCC page 2018.

(b) The respondents concerned be directed as once the petitioner absorbed in Government service, his past service

should be counted as a whole either for the purpose of pay fixation or for seniority, promotion and for pensionary benefits.

(c) Direction to the respondents concerned for considering weightage of past service, seniority and all the benefits there to in view of the resolution vide Memo No. 1235 dated 26.02.2004 taken by the Secretary Cooperative Department, Government of Bihar."

would like to give it up by saying that now the petitioner has already retired from service and he will be happy, if the case of the petitioner standing on the same footing as that of the petitioners in C.W.J.C. No. 2190 of 2005 disposed of on 29.06.2009, is considered by the appropriate authority.

3. Let it be made clear that the petitioner's appointment on the post of PACS Manager was made by way of a direct recruitment under the orders of the Apex Court and, therefore, the terms and conditions will also be governed by the decision of the State Government, which was taken pursuant to the observation made by the Apex Court.

4. If in this exercise, the petitioner would file representation only for the purpose of payment of retirement benefit that may be considered in the light of the observation made in the order dated 29.06.2009, but nothing beyond that will be permissible in view of specific nature of appointment of the petitioner.

5. This writ application is, accordingly, disposed of.

6. It goes without saying that if for the limited purpose, the petitioner files his representation, his case should be considered in the light of the observation made by this Court in the order dated 29.6.2009 in C.W.J.C. No. 2190 of 2005 (supra).

(Mihir Kumar Jha, J)

Sujit/-

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