

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20228 of 2011

=====

Dr. Jwala Prasad S/O Late Kailash Prasad R/O M.I.G. 293, Lohiya Nagar, P.S.-
Kankarbagh, In the District Of Patna

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, Health Medical Education
And Family Welfare Department, Government Of Bihar, Patna
2. The Director Of Health Medical Education And Family Welfare Department,
Bihar, Patna
3. The Superintendent, Darbhanga Medical College Hospital, Darbhanga
4. The Accountant General, Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Braj Nandan Kumar Tiwary, Advocate
For the State : Mr. Brajesh Kumar, AC to AAG 11
For the Accountant General : Mr. Vivekanand Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-12-2015

Heard learned counsel for the parties.

The fact as represented by the petitioner in the writ
application is that he had joined the Bihar Medical Service on
11.07.1970 and having held various posts finally retired on

02.07.1992 being on leave in between for various periods. However, no supporting document or details have been provided in the writ application so as to show that the service of the petitioner was for a period which is pensionable under the State.

Learned counsel for the State has also raised a preliminary objection that the cause of action being of the year 1992 and the writ petition having been filed only in the year 2011, on the ground of delay alone it should be dismissed.

Counter affidavits have also been filed on behalf of the State as well as the Accountant General. The stand is that no records are available with regard to the petitioner having worked under the State and the petitioner has also never approached the Department for grant of any pensionary benefits.

Considering the aforesaid position, the Court is not able to grant any relief to the petitioner in the present proceeding. Accordingly, the writ petition stands disposed off.

However, if the petitioner is able to produce materials to indicate that he was in the employment of the State and the period for which he worked is pensionable under the relevant Rules, the authorities shall consider his representation in accordance with law and pass appropriate orders and also grant him the benefit, if found due. If the petitioner files such representation before the respondent

no. 2 within four weeks from today along with copy of this order, the same shall be considered and disposed off within two months thereafter.

(Ahsanuddin Amanullah, J)

Anjani/-

U			
---	--	--	--