

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19103 of 2013

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1. Union of India through Secretary (NRM), ICAR, KAB II, New Delhi.
 2. Director Central Tobacco Research Institute, Rajmundry (Ctri) (A.P.)
 3. Accounts Officer, Central Tobacco Research Institute (CTRI), Rajmundry (A.P.)
 4. Sr. Administrative Officer, CTRI, ICAR Rajmundry (A.P.).
 5. Sr. Scientist and Head, CTRI, Pusa, Samastipur.
 6. The F & AO, Central Inland Fisheries Research Institute, Barrackpore (W.B)
 7. The A.O., ICAR, P.O. Veterinary College, Patna. Petitioners.

Versus

1. Raghuni Sah, S/o Late (Sh.) N.B. Shah, R/O Village - Bakhtiyarpur, P.O. - Malinagar, District – Samastipur.
2. Nagendra Sharsa, S/O Late (Sh.) Ramchandra Rai, R/O Village - Dighra, P.B. - Pusa, District – Samastipur.
3. R.N. Thakur, S/o Late (Sh.) R.P. Thakur, R/O Village - Harpur, P.O. - Pusa, Samastipur.
4. Smt. Shiv Kumari Devi, Widow of Late (Sh.) R.P. Thakur, R/O Village Siari Gopal, P.O. - Balha, District – Samastipur. Respondents.

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Appearance:

For the Petitioners : Mr. S.N. Pathak, Adv.

Mr. Rajesh Kumar, Adv.

For the Respondents: Mr. Ranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

02 03-07-2015

Heard learned counsel for the petitioners and the respondents.

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Having considered the matter, we see no reason to interfere with the order dated 17.09.2009 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter in short the Tribunal) in O.A. No.370 of 2007. The Tribunal has clearly held and rightly so that the circular dated 27.01.2000 is a circular later issued than the circular dated 10.09.1993 and the later circular dated 27.01.2000 governed the facts of the case. That being so, the Department will bound to consider the 50% of the service period for the purposes of grant of retiral benefits. We see no reason to take a different view of the matter.

Accordingly, this writ petition is dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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