

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12465 of 2011

Dr. Manjula Thakur Jha W/o Sri Awadhesh Kumar Jha, Residing at Flat No. 405, Krupalu Appartment, Cross Lane No.07, Dilip Nagar, P.S.-Dilip Nagar, Daman-396210 (U.T.).

.... Petitioner/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner-Cum-Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Agriculture Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Finance Department, Govt. of Bihar, Patna.
5. Rajendra Agriculture University, Bihar, Pusa, Samastipur through its Registrar.
6. The Vice-Chancellor, Rajendra Agriculture Univ., Bihar, Pusa, Samastipur.
7. The Comptroller, Rajendra Agriculture University, Bihar, Pusa, Samastipur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Gajanan Arun, Adv.
For the State : Mr. Prabhu Narayan Sharma, Adv.
For the R.A.U. : Mr. D. K. Sinha, Senior Adv.
Mr. Arvind Ujjwal, Adv.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-10-2015

Heard learned counsel for the parties.

The controversy in the present writ application relates to whether for the purposes of counting the length of service of the petitioner for grant of retiral benefits, the period from 22.03.1988 or 18.03.1989 would be counted.

Learned counsel for the petitioner submits that she joined service on 22.03.1998 after having been appointed on 19.03.1988 on ad hoc basis and continued till she was substantively appointed on 18.03.1989 without any break. It is

thus submitted that as per the existing statutes/rules/regulations, the entire period of her services should be counted. It is submitted that she subsequently voluntarily retired from service with effect from 16.06.2004 but the respondent University while computing her pensionary benefits has done so with effect from 18.03.1989 and not 22.03.1988.

As per the stand of the respondent University, it has been stated that since the petitioner was appointed on ad hoc basis without observing recruitment procedure and she did not complete one year service on ad hoc basis, her service as an ad hoc employee cannot be counted for the purpose of pensionary/retiral benefits.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that despite there being a categorical assertion on behalf of the petitioner at paragraph no. 3 of the writ petition that she was appointed on ad hoc basis with effect from 22.03.1988 and within one year of her ad hoc appointment without any break, the petitioner was recruited permanently with effect from 18.03.1989 and there being no denial to such averment in the counter affidavit, in the considered opinion of the Court, the petitioner having been continuously in the service of the respondent University since 22.03.1988, the retiral benefits have to be computed from that date.

Accordingly, the Court directs that all retiral benefits of the petitioner shall be computed and paid to her, after adjusting what has already been paid, taking into account her length of service from 22.03.1988. Let the same be done within four weeks from the date of production of a copy of this order before the respondent no. 5.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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