

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1633 of 2015

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Akhileshwar Prasad Son of Late Banke Prasad, Resident of Village- Amawan, Post office- Amawan, Police Station- Bind, District- Nalanda at present Mohalla- Jagadev Nagar Colony, Near Biscute Factory Post Office + Police Station- Phulwari Sharif District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Finance Department Government of Bihar, Patna.
3. The Finance Commissioner, Government of Bihar, Patna.
4. The Principal Secretary, Water Resorces Development, Government of Bihar, Patna.
5. The Deputy Secretary Command Area Development Directorate, Water resource Department, Government of Bihar, Patna.
6. Sone command Area, Development Agency, Patna. through its secretary.
7. Area Development Commissioner -cum-Chairman, Sone Command Area, Development Agency, Patna.
8. The Secretary, Sone Command Area Development Agency, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.10285 of 2014

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1. Panchanand Prasad, son of Late Kailash Prasad, resident of Mohalla- Ram Krishna Nagar, Diva Colony, P.S. Ram Krishna Nagar, Patna
 2. Mahesh Prasad Singh, son of Late Ramanand Singh, resident of Village- Ufraul, P.O.- Dihari, P.S.- Pipra, District- Patna
 3. Dinesh Prasad Sinha, Son of Sri Ramdeo Sinha, resident of Village- Usman Chak, P.S.- Masaurhi, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through it's Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Finance Commissioner, Government of Bihar, Patna
4. The Principal Secretary, Water Resources Development Department, Government of Bihar, Patna
5. The Deputy Secretary, Command Area Development Directorate, Water Resources Department, Government of Bihar, Patna
6. Sone Command Area Development Agency, Patna through it's Secretary
7. Area Development Commissioner -cum- Chairman, Sone Command Area Development Agency, Patna
8. The Secretary, Sone Command Area Development Agency, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.1611 of 2015

Krishna Kumar Pathak S/O Late Chandra Bhushan Pathak, Resident of Village- Poari, Post Office, Poari, Police Station- Harnaut, District- Nalanda, at present Bajarang Bali Colony Near Naroon Nagar Sector-II, Post Office + Police Station- Phulwari Sharif, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Finance Commissioner, Government of Bihar, Patna
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
5. The Deputy Secretary Command Area Development Directorate, Water Resource Department, Government of Bihar, Patna
6. Sone Command Area, Development Agency, Patna, through its Secretary.
7. Area Development Commissioner-cum-Chairman, Sone Command Area, Development Agency, Patna
8. The Secretary, Sone Command Area Development Agency, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.1648 of 2015

Naresh Prasad S/O Late Bhatu Prasad, Resident of Village- Ahiyapur, Mushari, Post Office- Khalsa, Police Station- Sarmera, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Finance Commissioner, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Development Directorate, Water resource Department, Government of Bihar, Patna.
5. The Deputy Secretary Command Area Development Directorate, Water resource Department, Government of Bihar, Patna.
6. Sone Command Area, Development Agency, Patna, through its secretary.
7. Area Development commissioner-cum-Chairman, Sone Command Area, Development Agency, Patna.
8. The Secretary, Sone Command Area Development Agency, Patna.



..... Respondent/s

with

Civil Writ Jurisdiction Case No.1819 of 2015

Shiv Pujan Singh S/O Late Ramsat Singh Resident of vill-Silauta,P.O-Khaira,P.S-Sanhan,Distt.-Kaimur at Bhabua

..... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary ,Govt. of Bihar, Patna
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
3. The Finance Commissioner, Govt. of Bihar, Patna
4. The Principal Secretary, Water Resources Development, Govt. of Bihar, Patna
5. The Deputy Secretary Command Area Development Directorate, Water Resources Department, Govt. of Bihar, Patna
6. Sone Comand Area Development Agency, Patna, through its Secretary
7. Area Development Commissioner-cum-Chairman, Sone Comand Area Development Agency, Patna
8. The Secretary, Sone Command Area Development Agency, Patna

..... Respondent/s

Appearance :

(In CWJC No.1633 of 2015)

For the Petitioner/s : Mr. Dhananjay Prasad

For the Respondent/s : Md. N. Hoda Khan

(In CWJC No.10285 of 2014)

For the Petitioner/s : Mr. Nityanand

For the Respondent/s : Smt. Nividita Nirvikar, GA10

(In CWJC No.1611 of 2015)

For the Petitioner/s : Mr. Dhananjay Prasad

For the Respondent/s : Mr. Ajit Pratap Singh, SC15

(In CWJC No.1648 of 2015)

For the Petitioner/s : Mr. Dhananjay Prasad

For the Respondent/s : Mr. Arvind Kumar No. 2, SC17

(In CWJC No.1819 of 2015)

For the Petitioner/s : Mr. Dhananjay Prasad

For the Respondent/s : Mr. Arvind Kumar-1, SC13

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-04-2015

Heard learned counsel for the parties.

Having regard to the common issue involved in these writ applications as to whether the retired employees of Sone



Command Area Development Agency (SCADA) would be entitled for grant of pension in terms of Bihar Pension Rules, when a prayer is being made by the learned counsel for the SCADA to dispose of all these writ applications in terms of an order dated 27.3.2015 in CWJC No. 284 of 2011 (Shree Prakash Vs. The State of Bihar & Ors.) along with CWJC No. 4220 of 2011 (Vishnudeo Singh Vs. The State of Bihar & Ors.), this Court would dispose of these writ applications in the same terms but by making it clear that the onus will lie on the petitioners to show before the SCADA that once they had opted for getting their retirement benefit under C.P.F., how can they be allowed to turn around and claim pension under the Bihar Pension Rules in terms of the order dated 27.3.2015.

(Mihir Kumar Jha, J)

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