

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5672 of 2015

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1. Ramashish Singh. S/o Late Nandlal Singh. Residence of village - Brig Narayanpur, Post - Chandmari, P.S.- Shahpur, Distt.- Patna.
 2. Ram Babu Singh. S/o Late Bhagawat Singh. Residence of village - Magali Chak, P.O.- Suitha, P.S.- Parsa Bazar, Distt.- Patna.
 3. Ranjit Kumar Sinha. S/o Late Saryug Prasad. Residence of Mohalla - Mahal Par, P.O.- Mahalpur, P.S.- Gadh Par, Distt.- Nalanda. At present C/o Ashish Kumar (Retired M.D.) Mohalla - Indra Nagar Near Mithapur, Bus Stand Kamala Market, Post - G.P.O., P.S.- Jakkanpur, Distt.- Patna - 800001.

.... 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 are 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

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

3 06-08-2015

Heard learned counsel for the parties.

Counter affidavit has been filed on behalf of respondents no. 6 to 8.

The present writ application has been filed seeking a direction to the respondents to apply the pension scheme as per the Bihar Pension Rules to the petitioners, who retired from the service of Sone Command Area Development Agency.

Learned counsel for the Agency (respondents no. 6 to 8) relying on the counter affidavit submits that persons who are employees of a similar agency being the Gandak Command Area Development Agency had moved the Court in C.W.J.C. No. 21105 of 2013 seeking similar relief and a co-ordinate Bench of this Court by order dated 24.03.2014 has dismissed the writ application on the ground that once the petitioners had availed the benefits of the Contributory Provident Fund Scheme for several years, they cannot seek a direction for applicability of the Bihar

Pension Rules at the fag end of service since there was no legal or contractual right to claim such relief. Learned counsel has relied on a decision of the Court dated 27.03.2015 in C.W.J.C. 284 of 2011 and 4220 of 2011 by which similarly situated employees who had come for the same relief were directed to be granted benefits in terms of the Contributory Provident Fund Scheme and the authorities were also directed to re-consider the case with regard to grant of pension as per the Bihar Pension Rules. Learned counsel further refers to Annexure-D which is copy of order dated 06.05.2015 contained in Memo No. 49 dated 07.05.2015 by the Regional Development Commissioner-cum-Chairman of the Sone Command Area Development Agency, Patna passed pursuant to the direction of the Court in the aforementioned two cases by which the claim for pension has been rejected.

In view of the aforesaid, the Court is not inclined to interfere in the matter which has already been considered by a co-ordinate Bench of this Court and has also been specifically re-considered by the authority concerned.

Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

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