

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.284 of 2011

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Shree Prakash, S/O Late Mahesh Dutt Narain, R/O House No. CC-88, Sector-C,
P.C. Colony, Kankarbagh, P.S. Kankarbagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. Secretary, Agriculture (Special Programme) Department, Government of Bihar, Patna.
4. Sone Command Area Development Agency, Sone Bhawan, Patna through its Secretary.
5. The Secretary, Sone Command Area Development Agency, Sone Bhawan, Patna.
6. Area Development Commissioner cum Chairman, Sone Command Area Development Agency, Patna.
7. Under Secretary, Command Area Development Directorate, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 4220 of 2011

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Vishnudeo Singh, S/O Late Dhurb Kali Prasad, R/O - Village + P.O. Khapura,
District - Nalanda at Biharsharif

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat, Patna
2. The Principal Secretary, Water Resources Department, Government of Bihar Sinchai Bhawan, Patna
3. Secretary Agriculture (Special Programme) Department, Government of Bihar, Patna
4. Sone Command Area Development Agency, Sone Bhawan, Patna through its Secretary
5. The Secretary, Sone Command Area Development Agency, Sone Bhawan, Patna
6. Area Development Commissioner-Cum- Chairman Sone Command Area Development Agency, Patna
7. Under Secretary, Command Area Development Directorate, Water Resources Department, Government of Bihar, Sinchai Bhawan Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the SCADA : Mr. Naresh Dikshit, Advocate
For the State : Mr. Sanjay Kr. Sinha, SC-13

Mr. R.B.N. Singh, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the petitioners and the State.

2. Petitioners in these two writ petition(s) superannuated while serving as Area Supervisor in Sone Command Area Development Agency, Sone Bhawan, Patna (hereinafter referred to as the “Agency”) with effect from 31.08.2010, 31.07.2010 respectively. They have filed the two writ petition(s) asserting that they are entitled for grant of pension in the light of Bihar Pension Rules, as according to them, Agency adopted Bihar Pension Rules in the year 1974.

3. Aforesaid claim is being refuted by the counsel for the Agency on the ground that Agency is the successor body of Sone Command Area Development Authority (hereinafter referred to as the “Authority”) and the Bihar Pension Rules was adopted by the Authority and not by the Agency, which has come into existence later. It is also submitted by the counsel for the Agency that petitioners themselves had given consent for being admitted to the contributory pension scheme, as would appear from Memo No. 501/A dated 09.12.1994, Annexure-B to the counter affidavit filed on behalf of

Respondent Nos. 5, 6.

4. Learned counsel for the petitioners in reply, however, contented that the Agency is the successor body of the Authority. Authority having adopted Bihar Pension Rules, it goes without saying that the Rules adopted by the Authority continue with the successor Agency, as till date the Agency has not annulled the earlier resolution of the Authority adopting the Bihar Pension Rules.

5. In view of the rival submissions, for the present, petitioners be granted benefit of pension in terms of Contributory Pension Scheme within one month from the date of receipt/ production of a copy of this order before the authorities of the Agency, if not already granted, and thereafter the authorities of the Agency should consider the submission noted above that predecessor body of the Agency having already adopted the Bihar Pension Rules, can the successor Agency not abide by the same only on the pretext of paucity of fund. Aforesaid reasoned order be also passed by the Commissioner-cum-Chairman of the Agency within the same time.

6. Both the writ petition(s) are, accordingly, disposed of.

(V.N. Sinha, J.)

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