

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7219 of 2015

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Bhishm Prasad Son of Late Budhu Singh Resident of Village+ Post office-
Murgawan Via Ishlampur, District- Nalanda, at present Mohalla- Maurya vihar,
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 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

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Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Adv.
For the State : Mr. Upendra Pratap Singh AC to SC-25
For the SCADA : Mr. Naresh Dikshit, Adv.
For the Respondent/s : Mr. A. Ujjwal, SC25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-05-2016

Heard learned counsel for the parties.

In the present case, the petitioner has sought relief of mandamus directing the respondents to cover the petitioner under the Bihar Pension Rule.

So far as the prayer part is concerned, it is the executive has to take decision as with regard to service condition of an employee. It is admitted fact that the petitioner, after retirement, has availed the

benefit of Contributory Provident Fund Scheme as provided under the E.P.F. Act which also provides the pensionary benefit to the member of the Scheme. The petitioner cannot claim the benefit of contributory benefit under the scheme as well as applicability of Bihar Pension Rule.

In such view of the matter, the present writ petition is completely misconceived and is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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