

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.7910 of 2014

- =====
1. The Union of India through the Director General, Department of Post, Dak Bhavan, New Delhi
  2. The Chief Postmaster General, Bihar Circle, Meghdoot Building, Patna
  3. The Director, Postal Services (HQ), Office of the Chief Post Master General, Bihar Circle, Patna
  4. The Chief Postmaster General, Bihar Circle, Patna
  5. Director of Accounts (Postal), Exhibition Road, Patna

.... .... Petitioners

Versus

1. Sanjay Kumar Singh, Son of Shri Kaushal Kumar Singh, Resident of Mathiya Kan Sarai, Post- Sarai, District- Patna
2. Jagat Prasad, Son of Shri Sodhu Singh, Resident of Village- Mirjapur, Monta, Fatwah, District- Patna
3. Kaushal Kumar Singh, Son of Shri Rameshwar Singh, Resident of Govindpur, Laksman Tola, Phulwarisharif, District- Patna
4. Prashidha Prasad, Son of Dhanpat Prasad, Resident of Biranchak, Post- Faridpur Neora, District- Patna
5. Sharda Devi, D/o Late Baijnath Rajak, Resident of Bakarganj, Near Bnikdas Thakurbari, District- Patna
6. Dharam Deo Prasad, Son of late Munshi Singh, Mithapur, B-Area, D.N. Singh Lane, District- Patna
7. Shatrughan Prasad, Son of Late Kamal Rai Resident of Aaklama, Post- Puama, Via- Massourie, District- Patna
8. Ashok Kumar Sinha, Son of Late Mauji Lal Singh, Resident of Mahavir Nagar, New Dassum, District- Patna
9. Bajrangi Lal, Son of Late Schato Pandit Gram, Nargada, P.O.- Gamkhaut, Via- Danapur Cantt, District- Patna
10. Amar Nath Prasad, Son of Vishwanath Mahato, Resident of Bakarganj, Salimpur, Bata Mans Lane, District- Patna
11. Ram Khilawan Prasad, Son of Mangal Mahato, Resident of Govindpur, Phulwarishariff, District- Patna
12. Kameshwar Singh, Son of Dwarika Prasad Singh, Resident of Dhakanpura, Post- Sadikpur, Thana- Maner, District- Patna
13. Saroj Kumar Singh, Son of late Rana Sisir Kumar Singh, Tole- Babu Mita Singh, Athamalgola, District- Patna
14. Shivjanam Singh, Son of Late Bhagwat Singh Gram-Poniya, Post- Garkha, Via- Garkha, District- Chapra
15. Yogendra Ram, Son of Shri Sangu Ram, Gram-Chatarpura, Post- Korodih, Via- Bhojpur, Arrah
16. Rameshwar Ram, Son of Shri Dashtrandhu Ram, Gram- Chatarpura, Post- Korodih, Via- Bhojpur, Arrah
17. Babu Lal Prasad, Son of Shri Kapil Deo Mahato, Gram- Draman, Amardeep Nagar, District- Patna
18. Ramesh Ram, Son of Late Raghuvir Ram, South Mandiri, Kathpur harizan Colony, District- Patna
19. Lagni Devi, Son of Late Ram Lakhman Paswan, Bishunpur Paksi, Beor, Patna
20. Dev Narayan Yadav, Son of Late Mutur Yadav, Gram- Kanhaya Nagar, Post-

Anishabad, Phulwarisharif, Patna

21. Nahendra Kumar, Son of Atwari Ram, New Purandarpur, Patna

22. Dhanpati Devi, Wife of Dwarika Singh Sadakat Ashram, Rajendra Ghat, Patna

23. Anirudh Prasad, Son of Shri Kaso Prasad Yadav, Gram- Vali, P.O.- Jagatpur,  
Via- Harnaut, District- Nalanda.

All are working as Temporary Status, Group 'D' Employees under Chief  
Postmaster, Patna G.P.O., Patna

.... .... Respondents

**Appearance :**

For the Petitioners : Mr. S.D. Sanjay, (Addl.S.G),  
Mr. Rajesh Kumar Verma (C.G.C.)

For the Respondents :

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**And**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

**Date: 28-03-2016**

Heard learned counsel appearing for the Postal  
Department.

This writ petition is directed against the order dated  
18.02.2010, passed in O.A. No. 523 of 2005 and analogous cases by  
which the Central Administrative Tribunal, Patna Bench, Patna, has  
held that those persons, who were already enjoying temporary status  
on or before 01.01.2004, not being new entrants after that day, they  
will not be covered by new pension scheme. Department is  
aggrieved by the said decision.

We have heard learned counsel for the Department and  
see no reason to interfere.

The new pension scheme itself is clear inasmuch as it  
indicates applicability thereof to a new entrant. After 01.01.2004

those who had earlier, pursuant to one or other scheme of the Department, got temporary status from before under the Department itself, and, thus, were on regular pay rolls, cannot be said to be new entrant after 01.01.2004, even though they were made permanent thereafter. Their GPF accounts have already been opened prior to 01.01.2004. Their service as temporary status having been reckoned for the purposes of making them permanent. All those benefits cannot be denied for the simple reason, that they are not new entrant in service under the Department after 01.01.2004.

For the reasons aforesaid, we see no reason to interfere with the impugned order. This writ petition is, accordingly, dismissed.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Rajiv/Arjun/AFR

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