

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22357 of 2012

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1. Hadish Khan Son Of Late Madar Khan Resident Of Village- Mirpur, P.S.
And P.O.- Dighwara, District- Saran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Old Secretariat, Patna
2. The District Magistrate, Saran
3. The Superintendent Of Police Saran
4. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Intekhab Hassan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 12-08-2016

Heard learned counsel for the parties.

The petitioner superannuated with effect from 31.01.1999, while working as *Dafadar*. It is his claim that he should be granted pension, counting his service right from 1957, when he was initially appointed.

A counter affidavit has been filed on behalf of the Respondents-State of Bihar, stating therein that the services of the *Chaukidar/Dafadar* came to be declared as State Government service with effect from 01.01.1990. Since the petitioner superannuated with effect from 31.01.1999, without completing the qualifying service of ten years, he is not entitled for pension under the Bihar Pension Rules.

The stand taken on behalf of the State of Bihar

appears to be correct. The petitioner was not a Government servant before 01.01.990. On the date of his retirement, he could not complete ten years of his qualifying service for grant of pension. The relief sought for, in the present writ application, in such circumstance, cannot be allowed.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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