

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12920 of 2014

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Rampati Mistry son of Bulkan Mistry resident of village New Nathupur (Kusum Puram Colony), P.O.- Kurthaul, P.S.- Parsa Bazar, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna
2. The State of Jharkhand through the Secretary cum Commissioner, Department of Finance, Govt. of Jharkhand, Ranchi
3. The Director of Provident Fund Directorate of Provident Fund, Govt. of Jharkhand, Ranchi
4. The Director of Provident Fund, Directorate of Provident Fund, Govt. of Bihar, Patna
5. The District Provident Fund Officer, Bokaro, Jharkhand

.... Respondent/s

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For the Petitioner/s	:	Mr Anisur Rahman, Advocate
For State of Bihar	:	Mr Sriram Krishna, AC to SC 11
For State of Jharkhand	:	Mr Sanjiv Jaiswal, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 08-09-2016

Heard learned counsel for the State of Jharkhand, learned counsel for the State of Bihar and the learned counsel for the petitioner.

2 The grievance of the petitioner is short and precise. Petitioner, who superannuated from the post of Clerk on 31.07.2013 in the Directorate of Provident Fund, Bokaro in the State of Jharkhand, submits that he had been granted first and second ACP but he has not been granted the third modified ACP on the plea of the State of Jharkhand that he joined the State service with effect from 22.10.1991. Counting his service from 22.10.1991, he had not completed 30 years of service and, as such, he was disentitled to

receive full pension as also MACP. Learned counsel for the petitioner submits that the petitioner joined as Work Charged Field Assistant in the Tubewell Drilling Subdivision III, Nawada with effect from 15.05.1973. He was then deputed to Bihar Water Development Corporation and, thereafter in 1991, brought back to the Directorate of Provident Fund. Upon bifurcation of the State, he was allotted Jharkhand Cadre. Under similar circumstances, this Court, in *CWJC No 6764 of 2012* (Ravindra Nath Thakur –Versus- State of Bihar & Others), by judgment and order dated 14.05.2012, held that the entire period of service from the initial appointment including the period of service in the Corporation has to be counted for other service benefits and retiral dues.

3 In view of the aforesaid, I have no option but to order that the petitioner's entire service career for the purposes of MACP and pension will have to be counted from 1973 and not from 1991. The respondents including State of Jharkhand are directed to act accordingly. All calculations and payments have to be completed within a period of three months from today.

4 The writ petition is, accordingly, allowed.

(Navaniti Prasad Singh, J)

M.E.H./-

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