

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18984 of 2015

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1. The Union of India through Secretary cum Director General, Department of Post, Dak Bhavan, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Director of Postal Services, Bihar Circle, Patna.
 4. The Senior Superintendent of Post Officer, Patna Division, Patna.

.... Petitioner/s

Versus

1. Vijay Kumar Khatri, Son of Late Ram Nath Arya, Resident of Mohalla- Panch Mohalla- Near- Urdu School, P.S.- Jahanabad, District Jahanabad, At present working as Night guard at Mahendru Post Office, Patna.
2. Raju Kumar, son of Shree Shiv Talah Mandal, Resident of Mohalla- Salimpur Ahara, District- Patna, at present working as Night Guard at Kadamkuan, S.O.- Patna.
3. Yogendra Prasad Sinha, Son of Shri Ramdeo Thakur, Resident of Mohalla- Mahatma Gandhi Nagar, P.S.- Lohia Nagar, District- Patna at present as Nightguard at Rajendra Nagar Post Office, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, A.S.G.
Mr. Ravinder Kumar Sharma, CGC

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-07-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') on 9th July 2010, whereby the third Member of the Bench agreed with the view of the Member (Judicial) recorded on 18.02.2010. By the said order, the majority view is that the applicant before the Tribunal shall not be covered by the New Pension Scheme, as they have been appointed prior to

01.01.2004.

Similar issue has been examined by the Division Bench of this Court in CWJC No. 17204 of 2015 (The Union of India & Ors. vs. Mukti Prasad Yadav & Ors.), whereby a casual employee in the Postal Services, who had acquired the temporary status prior to 01.01.2004, and was made permanent thereafter was held to be covered by the Old Pension Scheme. Similar is the finding in the present writ petition.

Therefore, for the reasons recorded in Mukti Prasad Yadav (supra), the present writ petition is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.07.2016
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