

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.198 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 1754 of 2015**

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Md. Islam, S/o late Mahboob Mian, Resident of Village - Chak Usuf, P.S. - Gogri,
District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director, Finance Department (Police) Bihar, Patna.
3. The D.G.P. Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The C.O. Gogri Block, Dist- Khagaria.
6. The S.P., Khagaria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar No. 1, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017

On account of the fact that appellant did not fulfil the requisite qualifying service of 10 years to receive pension, as contemplated under the Bihar Pension Rules, 1950, the writ petition in question has been rejected.

The contention of the appellant that the period he has worked as a Dafadar from 03.09.1986 to 31.12.1989 should have been counted for the purpose of calculating the qualifying service have been rejected by the learned Writ Court only account of the fact



that the appellant had already retired on 28.02.1999 and that the service of a Dafadar has to be counted only after 01.01.1990.

That being so, we find no error in the order passed by the learned Writ Court. It is the discretion of the Government as to from which date a Dafadar is to be declared at par with a Class-IV employee and whether the service rendered previously as Dafadar has to be counted for granting pensionary benefit. This being within the administrative domain of the State Government and the State Government having not extended the benefit to people who were working as Dafadar prior to 01.01.1990, we cannot interfere into the matter. Once it is clear that the appellant did not fulfil the qualifying service, as required in the Pension Rules, finding no ground to interfere into the matter, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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