

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18191 of 2011

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1. Nand Kishore Mishra S/O Late Prem Narayan Mishra Resident Of Bazar, Near Gandhi Nagar, P.S.-Town Thana Dumka, District-Dumka (S.P.), Jharkhand.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Food & Civil Supply, Govt. Of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.
4. The Director, Directorate Of Mass Education, Department Of Secondary, Primary And Adult Education, Govt. Of Bihar, Patna.
5. The Director, Mass Education, Govt. Of Bihar, Patna.
6. The District Mass Education Officer, Samastipur.
7. The Programme Officer, Dalsingsarai.
8. The Programme Officer, Tajpur, Samastipur.
9. The Sub Divisional Officer, Sub Division, Bhojpur, District-Bhojpur At Arah.
10. The District Supply Officer, Bhojpur At Arah.
11. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BARUN KUMAR CHOUDHARY
For the State : Mr. Prabhat Kumar, AC to GA XI
For Accountant General : Mr. Ranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-12-2017

Heard learned counsel for the petitioner and learned counsel for the State.

In the present case, limited grievance has been raised by the petitioner that the period from 1.10.1992 to 17.3.1998 be also considered for the purposes of granting pensionary and other incidental benefits.

The petitioner was appointed as a Supervisor in the year



1982 and he was retrenched on 1.10.1992. Again he was brought in service on 17.3.1998 in the Department of Food & Civil Supply, Government of Bihar, Patna. He was Supervisor in the Adult Education Programme. As programme was closed led to retrenchment of large number of persons including the petitioner. Ultimately on the direction of this Court all Supervisors were brought in service and period of retrenchment has been taken into consideration for granting pensionary benefit.

If all other similarly situated persons have been given pensionary and other allied benefit treating this period in service then present petitioner cannot be deprived.

In such view of the matter, concerned authority is directed to treat the period from 1.10.1992 to 17.3.1998 as the period in service and grant pensionary and other allied benefits.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

