

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4522 of 2016

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Ram Bilas Prasad Son of Late Fulchand Prasad resident of village - Nanauk,
Police Station - Buniyadganj in the district of Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
3. The Joint Secretary, Water Resources Department, Government of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Gaya
5. The Superintending Engineer, Water Ways Circle, Water Resources Department, Gaya
6. The Executive Engineer, Water Ways Division, Water Resources Department, Gaya
7. The District Magistrate Cum Collector, Gaya
8. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the Respondent State:		Mr. Anil Kumar Singh, GP-26
For the Accountant General :		Mr. Rabindra Kr. Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date : 22-09-2017

Heard counsel for the parties.

The Court fails to appreciate as to on what basis and law the writ application has been filed for a direction upon the respondents after superannuation of the petitioner from service that he is entitled to the benefit of old pension scheme and not of the new pension scheme of C.P.F.

This Court is not required to go into the history of litigation. The fact stands the service of the petitioner along with some other



persons came to be regularized and a notification was issued on 17.12.2013 in lieu thereof after a long stint as daily wager and having been extended the benefit of lowest pay-scale in terms of the direction issued by a learned single Judge on 20th December, 2007 a copy of which is Annexure-2.

If the terms and conditions of such engagement and regularization emerges from the order contained in Annexure-1, the petitioner having availed the same and having superannuated cannot be allowed to turn around and challenge the said decision that he should be treated to be an old employee prior to the year 2005 to ensure that he derives pension life long which was never envisaged.

Writ is dismissed having no merit.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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