

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17271 of 2011**

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1. Surya Kant Jha S/O Late Dhavneswar Jha R/O Village+P.O.-Jajuar, P.S.-Katra,  
Distt.-Muzaffarpur

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Govt. Of Bihar Patna
2. The Principapl Secretary, Food And Civil Suply Department, Govt. Of Bihar Patna
3. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar Patna
4. He Principal Secretary, Fincance Department, Govt. Of Bihar, Patna
5. The Director, Directorate Of Mass Education, Department Of Secondary Primary And Adult Education, Govt. Of Bihar Vikash Bhawan, New Secretariate, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. BARUN KUMAR CHOUDHARY  
For the State : Mr. P.K. VERMA AAG5  
Mr. Mankeshwar Tiwary, AC to AAG5  
For Accountant General : Mr. L.P.K. Rajgrihar

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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 as well as Accountant General.

The petitioner was appointed as a Supervisor in Adult  
Education Programme and after its closure the petitioner has  
been adjusted in Department of Food & Civil Supply,  
Government of Bihar, Patna.

As per claim of the petitioner, he has served altogether 31  
years of service. He was superannuated on 31.8.2010. For certain  
period he remained out of service on account of retrenchment



and later on he was adjusted in the Department of Food & Civil Supply but the period of retrenchment on account of closure having not been counted for purposes of time bound promotion and ACP.

Learned counsel for the petitioner submits that his case is covered by the order of Kameshwar v. The State of Bihar (C.W.J.C. No. 2161 of 2011) wherein this Court has placed reliance on letter no.638 dated 9.4.2014, has been treated to be period in service.

In such view of the matter, the concerned department is directed to consider the case of the petitioner and if it is found that the case of the petitioner is identical to the case of Kameshwar then he will give the same benefit as has been given to him.

Learned counsel for the Accountant General submits that petitioner has been given benefit of pension and gratuity treating the entire period of 30 years in service.

If entire period has been taken into consideration for the purposes of granting pension and gratuity then certainly the concerned department is obliged to consider the case of the petitioner in terms of the order of this Court.

With the aforesaid observation and direction this writ



petition is disposed of.

**(Shivaji Pandey, J)**

Vinay/-

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