

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10011 of 2016

=====

Shiv Chandra Jha Son of Late Kashi Nath Jha, resident of MIG B/51, Harmu Housing Colony, P.O. Harmu, P.S. Argora, District Ranchi, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Health Services Medical Education and Family Welfare Department, Patna, P.O. and P.S. Patna, District Patna, Bihar.
3. The Director, Health Services Medical Education and Family Welfare Department, Patna, P.O. and P.S. Patna, District Patna, Bihar.
4. The Administrator, Zila Parishad, Darbhanga, P.O. and P.S. Darbhanga, District Darbhanga, Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-11-2017

Heard learned counsel for the petitioner; State and
Zila Parishad, Darbhanga.

2. The petitioner having superannuated on 30.06.2004, is aggrieved by non counting of the period he worked in the Zila Parishad, Darbhanga for the purposes of computation of his post retiral benefits.

3. The petitioner was initially appointed as a Medical Officer in the Zila Parishad, Darbhanga on 29.12.1971 and worked till 1975 and thereafter was appointed as Civil Assistant Surgeon under the State Government on 07.01.1975. Upon his retirement, the post retiral benefits have been computed treating his



service period from 07.01.1975, till his date of superannuation. The petitioner has claimed that such computation has to be on the basis of the entire service period right from 29.12.1974, when he was appointed under the Zila Parishad, Darbhanga.

4. Learned counsel for the State submitted that under the relevant provisions of The Bihar Pension Rules, 1950, the periods spent under the Zila Parishad cannot be counted for the purposes of fixing retiral benefits of the Government Servant.

5. Learned counsel for the Zila Parishad, Darbhanga also took a similar stand and further submitted that the petitioner having voluntarily joined Government service, he cannot now be granted any benefit for the periods spent by him in the Zila Parishad, Darbhanga.

6. At this juncture, learned counsel for the petitioner drew the attention of the Court to various representations filed by him before the authorities concerned for such relief, which according to him has remained undecided.

7. Learned counsel for the State submitted that if any representation filed by the petitioner remains pending, the same shall be disposed off.

8. In view of the aforesaid, to make matters easy, the Court considers it appropriate to dispose off the writ petition with



liberty to the petitioner to file a fresh and detailed representation before the respondent no. 2 with regard to his grievance. If the same is filed within four weeks from today, the respondent no. 2 shall consider the same on merits and pass a reasoned order expeditiously and latest within a period of two months from the date of filing of such representation. If any benefit is found payable to the petitioner in terms of the order passed, the same shall also be paid to him within the next two months.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	

