

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4285 of 2016

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Kishori Raut Son of Late Laxman Raut, Resident of Mohalla- Juran Chapra,
Road No. 4, P.S.- Bramhpura, P.O. M.I.T., District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Science & Technology, Govt. of Bihar, Patna
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
4. The Director, Science and Technology, Govt. of Bihar, Patna
5. The Principal Govt. Polytechnic, Muzaffarpur
6. The Principal, Govt. Polytechnic, Barauni
7. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Alok Kumar Sinha
For the Respondent no.4 : Mr. Bindhyachal Rai
For the State : Mr. Kameshwar Kumar, G.P.17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

5 13-10-2017 Heard learned counsel for the petitioners, State and

the counsel appearing on behalf of the Accountant General.

The grievance of the petitioner in the instant case is counting of his pensionable service. According to him, he is entitled to count his service with effect from his initial date of appointment i.e. 01.12.1954 whereas he has been granted the benefit of his service with effect from 23.09.1974.

He submits that similarly circumstanced one Janki Pandey who was appointed in similar manner in the same Tirhut Engineering College and was transferred to new Polytechnic



College, Barauni with the petitioner, was granted the benefit of counting service from the date of initial appointment in the Tirhut Engineering College, Muzaffarpur but in the case of the petitioner, respondents have arbitrarily denied counting of the service rendered by the petitioner with effect from 1.12.1954.

The counsel for the respondent submits that the case of the petitioner is not similar to that of Janki Pandey and as such petitioner is not entitled to the same treatment like the Janki Pandey.

Considering the rival contention of the parties, the court deem it fit and proper to dispose of the writ petition with liberty to the petitioner to approach the respondent no.4, Director, Science and Technology, Government of Bihar alongwith a copy of this order and the respondent no.4 is required to examine the same and decide the claim of the petitioner as to the parity with Janki Pandey. The writ petitioner is required to enclose with his representation all such documents on which he claim parity with the said Janki Pandey. In case, the petitioner files such representation before the respondent no.4 and respondent no.4 finds the case of the petitioner identical to the case of the Janki Pandey, the respondent no.4 shall see that the similar benefit is also granted to the petitioner, he shall pass a reasoned specking



order on such representation within a period of two months from the date of filing of such representation and will ensure payment of monetary benefit if he finds the case of the petitioner is similar to Janki Pandey within a further period of three months from the date of such decision.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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