

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1562 of 2014
IN
Civil Writ Jurisdiction Case No. 4582 of 2007**

- =====
1. The State of Bihar through the Agriculture Production Commissioner, having his office in Vikas Bhawan, Police Station, Sachivalaya, District - Patna.
 2. The Director, Agriculture Department, having his office in Vakas Bhawan, Police Station, Schivalaya, District- Patna.
 3. The Joint Director, Agriculture (Engineering), Bihar Patna having his office in Mithapur Farm, Police Station Jakkanpur, District- Patna.
 4. The District Agriculture Officer, Munger, District - Munger.
 5. The Treasury Officer Munger, having his office in Collectorate Compound, Munger.
 6. The Deputy Director (Administration), Bihar Patna, Agriculture Department, having his office in Vikas Bhawan, Police Station - Sachivalaya, District- Patna.

.... Appellant/s

Versus

1. Smt. Jyotsna Ghosh, about 47 years, Wife of Late Sunil Kumar Ghosh, Resident of C/o Sri Krishna Ghosh, Road No. 1, Yarpur, Police Station - Gardanibagh, District - Patna.
2. The Accountant General (Accounts and Entitlement) Bihar, Patna having his office in Birchand Patel Path, Police Station Kotwali, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-11-2017

None appears for the appellants, though learned counsel for the Accountant General is present.

This is an appeal by the State Government seeking exception to an order dated 28.11.2013 passed by the writ court in allowing the writ petition (C.W.J.C. No. 4582 of 2007) directing for accounting the service rendered by the petitioner's husband in the Corporation, in question, and by counting the period to grant pensionary benefit.



On a perusal of order passed by the Writ Court, we find that the petitioner’s husband was initially working in the Corporation. After orders passed by the State Govenrment, he was absorbed in the Agriculture Department and while calculating the post retiral benefits, when the services rendered in the Corporation was not being accounted, the writ petition in question was filed. The learned Writ Court found that there are various orders passed in the case of similarly situated employees wherein in terms of the notification issued by the State Government it has been held that the services rendered in the Corporation has to be accounted for computing pension and family pension and taking note of the benefits granted to similarly situated various other employees, writ petition has been allowed.

In our considered view, in doing so, the learned Writ Court has not committed any error warranting reconsideration into the matter.

Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
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