

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19496 of 2010

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1. Ram Chandra Choudhary S/O Late Hazari Chaudhary R/O C/O K.K. Sinha,
Advocate, S.S. Compound, Harihar Singh Road, Bariyatu, P.S.- Bariyatu, Town
and Distt.- Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms Department,
Government of Bihar, New Secretariat, Patna
2. Principal Secretary Land Reforms Department, Government of Bihar, New
Secretariat, Patna
3. Director, Land Reforms Department, New Secretariat, Patna
4. Principal Secretary, Finance Department, Government of Bihar, Patna
5. The State of Jharkhand through the Secretary, Land Reforms Department,
Government of Jharkhand, Ranchi
6. Secretary, Land Reforms Department, Govt. of Jharkhand, Ranchi
7. Revenue and Survey Settlement Officer, Dumka
8. Accountant General, Bihar, Birchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv.

For the Respondent/s : AAG2

For the Accountant General: Mr. L.P.K. Rajgrihar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-05-2017

Heard Mr. Sanjeet Kumar learned counsel for the petitioner,
learned counsel for the State and Mr. L.P.K. Rajgrihar learned counsel
for the Accountant General, Bihar, Patna.

Relying upon Section 53 of the Bihar Reorganization Act, 2000
(hereinafter referred to as 'the Act') that the present writ petition has
been filed with the direction to the authorities to grant the petitioner
the revised pay scale of Assistant Settlement Officer with effect from
1.1.1996.



The petitioner has superannuated with effect from 1.3.1988 and relies upon the resolution dated 8.2.1996 for the purpose which makes an incumbent entitled to notional benefits with effect from 1.1.1986 but monetary benefits payable from 1.3.1989. It is not in dispute that the petitioner has superannuated much before that meaning thereby, though he can have the benefit of notional calculation to be translated in his retiral benefits but no benefit on arrears of salary. The petitioner having served as an Assistant Settlement Officer, Dumka which now falls in the State of Jharkhand, is a resident of the State of the Jharkhand. The benefit if any, that would accrue to the petitioner on revision of his pension and other post retiral benefits, is to be paid by the appropriate authorities in the State of Jharkhand because it is not in dispute that the petitioner is drawing his pension from the State Treasury at Jharkhand.

Despite such admitted position Mr. Sanjeet Kumar relies upon Section 53 of 'the Act' and Schedule 8 for maintaining the writ petition which in my opinion is thoroughly misconceived for the petitioner having served as an Assistant Settlement Officer at Dumka and having superannuated as such and drawing his pension from the treasury at Jharkhand, whatever be the exercise for revision of his pensionary benefits, the cause of action entirely lies within the Jharkhand and no part thereof is arising in the State of Bihar for



maintaining the writ petition.

In the circumstances discussed and apart from the fact that the writ petition raises belated cause of action, I find the writ petition not maintainable before this Court and which is accordingly disposed of leaving it open for the petitioner to take legal recourse as advised.

(Jyoti Saran, J)

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