

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2031 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 24291 of 2013**

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Bishwanath Prasad Suman, Son of Late Hazari Lal Roy, resident of At + P.O. Bajidpur Karnail, P.S. Tajpur, District - Samastipur – 848505, Bihar.

.... Appellant

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Energy Department, Government of Bihar, Daroga Rai Path, Patna
3. The Joint Secretary, Energy Department, Government of Bihar, Daroga Rai Path, Patna
4. Bihar Renewable Energy Development Agency through its Chairman, Sone Bhawan, Bir Chand Patel Marg, Patna
5. Director, Bihar Renewable Energy Development Agency, Sone Bhawan, Bir Chand Patel Marg, Patna

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Kumar Kaushik, Advocate.
For BREDA : Mr. Prasoon Sinha, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-02-2017

Re.: I.A. No. 9008 of 2015

This application is for condonation of delay of 1 year
18 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters Patent
Appeal.



Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 2031 of 2015

The appellant is aggrieved against an order passed by the learned Single Bench on 14.08.2014 in C.W.J.C. No. 24291 of 2013 whereby, the claim of the writ applicant was ordered to be considered in terms of the rules framed relating to the service conditions of the employees of the Bihar Renewable Energy Development Agency.

2. It is admitted that all the retiral benefits have been paid or in the process of payment. It is the only pension which remains pending. Learned counsel for the appellant states that the appellant was employee of the State Government and he was on deputation to Bihar Renewable Energy Development Agency, and therefore, he would be entitled to pension as an employee of the State Government.

3. In view of the specific stand of the appellant, we dispose of the present Letters Patent Appeal with a direction to the State Government and/or Bihar Renewable Energy Development Agency to pass an appropriate order to consider the claim of the appellant for payment of pension in accordance with applicable rules within three months from date of receipt of a copy of the order.



4. The Letters Patent Appeal stands disposed of accordingly.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	

