IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18051 of 2017

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Ballabh Kumar, Son of Late Muneshwar Singh, Resident of House No. C/24, Ajanta Colony, Keshri Nagar, Patna-24, P.S.- Patliputra, P.O.- Keshri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The Secretary, Bihar Legislative Assembly (Bihar Vidhan Sabha) Secretariat, Patna.
3. The Deputy Secretary, Bihar Legislative Assembly (Bihar Vidhan Sabha) Secretariat, Patna.
4. The Under Secretary, Bihar Legislative Assembly (Bihar Vidhan Sabha) Secretariat, Patna.
5. The Secretary (Expenditure), Finance Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner; State and the Bihar Legislative Assembly.

2. The petitioner has moved the Court for the following reliefs:

> *" i. For quashing of Memo No. 5879 dated 14-12-2016, contained in ANN-11, issued under the signature of the respondent-Under Secretary whereby, the request of petitioner to consider and calculate the service period spent under Bihar State Constructions Corporation (for short-*

Corporation) on a permanent vacant post, for the purpose of calculating qualifying service period for pension, has been rejected.

ii. Further, after quashing ANN-11, the respondents may be commanded to add service period spent under corporation which includes about 18 years as well as 5 years on deputation at Bihar Legislative Assembly Secretariat (for short-Assembly), i.e., total about 32 years, in calculating qualifying service period for pension and to pay full pension instead of pension being paid calculating 12 years' service period only.

iii. For any other relief, which if the petitioner found entitle during course of hearing of this application, may also be granted."

3. In essence, the petitioner seeks a direction for counting of his service including the period spent under the Bihar State Construction Corporation. The same having been denied on the advise of the Finance Department, the decision was assailed. However, in view of a Division Bench of this Court having decided the issue that the period spent under the Board, Corporations and Public Sector undertaking prior to absorption of persons in Government service shall be counted for pensionary benefits, the Bihar Legislative Assembly has passed a specific order accepting the position in the case of the petitioner also and accordingly communication has been

made to the Accountant General on 28.02.2018.

4. Learned counsel for the Bihar Legislative Assembly submitted that the grievance of the petitioner stands redressed.

5. Having considered the matter, in view of copy of letter dated 28.02.2018 having been brought on record to indicate that the grievance of the petitioner has been redressed, the Court does not feel any necessity to keep the writ petition pending.

6. Accordingly, the writ petition stands disposed off with the observation that payment in terms of letter of the Bihar Legislative Assembly dated 28.02.2018, as communicated to the Accountant General, be taken to its logical conclusion expeditiously.

(Ahsanuddin Amanullah, J)

Anjani/-

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