IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.65 of 2017
In
Civil Writ Jurisdiction Case No.11011 of 2012

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Awadhesh Kumar Roy, Son of late Ram Naresh Roy, resident of 208, Sunder Apartment, Near Nalanda Medical College & Hospital, P.O. Bahadurpur Housing Colony, P.S. Agamkuan, District & Town Patna.

... ... Appellant/s

Versus

1. The Union of India- through the Ministry of Petroleum, Government of India, New Delhi.
2. Oil India Ltd. a Government of India Enterprise- through its Chairman & Managing Director, Plot No. 19, Sector, 16-A, Noida- 201301(Uttar Pradesh).
3. Senior Manager (Personnel), Plot No. 19, Sector 16-A, Noida- 201301(Uttar Pradesh).
4. Oil India Ltd. Terminal Office, situated at Barauni, District Begusarai in the State of Bihar- through the Superintending Engineer.
5. Secretary, Oil India Employees Pension Fund, P.O. Duliajan, Dibrugarh (Assam). ... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

10 16-04-2018 Heard learned counsel for the appellant.

The impugned order in Letters Patent Appeal is dated 13.12.2016, by virtue of which the writ application of the appellant was dismissed by the Learned Single Judge, refusing to give any kind of direction to the respondent-Oil India Limited for giving benefit of pension as a former employee.

At the very outset, the Court fails to understand as to how the writ application was filed and entertained in Patna High Court in the year 2012, merely on the ground that the appellant after retirement has chosen to make Patna as his aboard, no cause of action seems to have been arisen within the territorial jurisdiction of the State of Bihar.

However, despite that issue, the matter seems to have been heard on merits and having taken note of the factual position that the appellant had taken voluntary retirement in the year 2001, he was not a contributor to Employees Pension Scheme of 1995. Though under some kind of understanding an ad hoc amount seems to have been recovered between the year 1995 to 2001, but the entire amount was refunded to him by a cheque drawn in his favour in the Corporation Bank at Jodhpur in the year 2001 itself. In other words, after the appellant departed, having taken voluntary retirement, there was no contribution lying to his credit with the Oil India Ltd., which could form the basis for pension, payable to the employees in terms of the 1995 Scheme.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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