

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9611 of 2015

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Ram Sharan Prasad, Son of Late Harihar Narayan, Resident of Village- Gomhar,
P.O.- Jagai, P.S.- Ekanagar Ward, District- Nalanda at present Flat No. 103,
Rajmahal Apartment, Bazar Samiti Road, P.S.- Bahadurpur, P.O.- Rajendra Nagar,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Bihar, Patna.
4. The Director, Agriculture, Bihar, Patna.
5. The Accountant General, Bihar, Patna.
6. State of Jharkhand through the Principal Secretary, Agriculture Department Government of Jharkhand, Ranchi.
7. The Agriculture Director, Jharkhand, Ranchi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mrs. Shashi Priya Pathak, Advocate
For the State	:	Mr. P. N. Shahi, Sr. Advocate
For the State of Jharkhand	:	Mr. Dhruva Mukherjee, Sr. Advocate
For the Accountant General	:	Mr. Rabindra Kumar Priyadersi, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-02-2018

Heard learned counsel for the petitioner; State of Bihar;

State of Jharkhand and Accountant General have assisted the Court.

2. The petitioner superannuated from the post of Agriculture Extension Officer on 31.03.1996 from Tamar, Khuti which now falls under the State of Jharkhand. Thus, at the relevant time, he was under the services of the unified State of Bihar. It appears that upon retirement, sanction order was issued on 06.07.1999 and P.P.O. was also issued with regard to full pension



and gratuity. Later on, by Letter No. 1199 dated 26.03.1998 and Letter No. 4000 dated 22.08.2000, issued by the Directorate of Agriculture, Bihar, Patna, the petitioner was allowed 1st and 2nd Time Bound Promotion and copies of the orders were sent to the office concerned. The matter seems to have got struck up because of the bifurcation of the State of Bihar, by creation of the State of Jharkhand and the place from which the petitioner superannuated now falling within the territorial jurisdiction of the State of Jharkhand, the technical formalities are still being held up. The position in law is that persons who have superannuated prior to the cut-off-date i.e., 15.11.2000, the liability to pay retiral dues is that of the existing State of Bihar. However, the sanction order for such payment has to be issued by the competent authority of the State of Jharkhand even if such authority now comes under the jurisdiction of the State of Jharkhand. In the present case, the stand of the State of Bihar is that once the order granting 1st and 2nd Time Bound Promotion has been issued prior to the bifurcation of the State and communicated to the office concerned, it was the duty of the concerned officer to have paid the same. However, even if it has not been paid, the officer concerned in the State of Jharkhand has at least to fix the entitlement of the petitioner with regard to how much amount he is required to be paid consequent to the grant of 1st and 2nd



Time Bound Promotion and thereafter, the authorities in the State of Bihar, who are required to pay shall be obliged to make actual payment, including arrears accruing out of re-fixation of the pensionary benefits in terms of the 1st and 2nd Time Bound Promotion. Matter seems to have been left hanging due to some communication gap between the authorities of the State of Bihar and State of Jharkhand.

3. For ensuring that the petitioner gets his due, without going into any controversy or confusion among the officials of the two States of Bihar and Jharkhand, the Court, without giving any opinion with regard to ultimately who would be footing the bill, upon final reconciliation/adjustment, which shall be guided by the provisions of the Bihar Reorganization Act, 2000, is of the opinion that, for the present, actual payment be made to him by the State of Bihar. However, for the said purpose, the original service book, which is still with the authorities in the State of Jharkhand, be updated in terms of the aforesaid two Time Bound Promotion orders dated 26.03.1998 and 22.08.2000, and entitlement fixed and thereafter, the original service book be forwarded to the authorities in the State of Bihar by keeping an attested copy by the authorities concerned at Jharkhand. The same be done within three weeks from today. Thereafter, the authorities in the State of Bihar shall ensure



that follow-up action in terms of making actual payment to the petitioner is done within the next three weeks.

4. In view of the order being passed on the basis of submissions advanced by learned counsel representing the State of Bihar and State of Jharkhand and they are agreeable to the time schedule indicated in the order, the Court feels that the writ petition is not required to be kept pending. Accordingly, the same stands disposed off in the aforementioned terms.

5. As the case has been disposed off on account of the assurance given by learned counsel for the State of Bihar and Jharkhand, the Court would only observe that they would not give any opportunity for the petitioner to approach the Court alleging any non compliance of the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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