

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11342 of 2003

1. Sitaram Prasad son of late Yugal Mahto Resident of Village- Alinagar, P.S.- Harnaut, District- Nalanda at present residing at 2001 Dairy Project Hostel, Jagdeo Path, P.S.- Gardanibagh, District- Patna and presently posted at Sanjay Gandhi Institute of Dairy Technology, Jagdeo Path, Patna.

... .. Petitioner/s

Versus

1. The Vice-Chancellor, Rajendra Agriculture University, Bihar Pusa (Samastipur).
2. The Comptroller, Rajendra Agricultural University, Bihar, Pusa (Samastiur).
3. The Associate Dean-cum- Director, Sanjay Gandhi Institute of Dairy Technology, Jagdeo Path, B.V.C., Patna-14.
4. Rajendra Agricultural University through its Registrar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar I
For the Respondent/s : Mr. V.R.P.Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 07-08-2018 1. Heard learned counsel for the petitioner and
counsel appearing for the State as well as University.

2. The claim of the petitioner in the present writ
petition is for a direction to the respondent University for
accepting the option of General Provident Fund-cum- Pension-
cum- Gratuity Scheme.

3. Earlier the petitioner has opted for C.P.F. scheme
later on he wanted to change the option under General Provident
Fund-cum- Pension-cum- Gratuity Scheme and for that he has
applied for withdrawal of his previous option and change in the
option from C.P.F. to pension scheme. Similar matter ha come



up before this Court and this Court has decided the issue in favour of the similarly circumstanced non-teaching employee and issued direction to the University as well as State to allow change of option of the petitioner from C.P.F. to pension Scheme on fulfillment of condition i.e. only after refund of the benefit availed by the petitioner under C.P.F. scheme. Learned counsel for the petitioner has drawn attention to this Court to order passed by Co-ordinate Bench of this Court in C.W.J.C. No. 2377 of 2006 order dated 13.02.2018 and C.W.J.C. No. 1577 of 2013 order dated 12.7.2018.

4. Learned counsel appearing on behalf of the University submits that subsequently the Rajendra Agricultural University has been converted as Dr. Rajendra Prasad Central Agricultural University and under the memo of understanding of conversation the obligation is of the State Government and not of the Central Government. So far as the benefit under the Pension is concerned the case of the petitioner may be considered by the respondent State for conversation of the option from C.P.F. to pension scheme in the light of decision in C.W.J.C. No. 2377 of 2006 order dated 13.02.2018 and C.W.J.C. No. 1577 of 2013 order dated 12.07.2018.

5. The writ petition is disposed of with the similar



direction as has passed in C.W.J.C. No. 2377 of 2006.

“8. For the reasons aforesaid, the writ petition stands allowed. The petitioner is held entitled to benefit under the pension-cum-gratuity scheme. The authorities are directed to work out the figures and also the amount which the petitioner has taken under the C.P.F. scheme. The same shall be returned by him to the University, along with the interest as calculated by the University, within two months from the date of the University intimating him the amount. The payment under the pension-cum-gratuity shall be made to him thereafter within the two months.”

6. Accordingly, Respondents have to act and decide the claim of the petitioner strictly in accordance with the direction contained in paragraph-8 of CWJC No. 2377 of 2006 order dated 13.02.2018.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

banti/-T.Kr.

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