

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8615 of 2016

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Jay Nandan Singh, Son of Late Deo Narain Singh, Resident of Village- Bhawani
Bigha, P.S. Silaw, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Food and Civil Supply
Department Government of Bihar, Patna.
2. The Managing Director Bihar State Food and Civil Supply Corporation, Sone
Bhawan, Patna.
3. The District Manager, Bihar State Food and Civil Supply Corporation, District-
Nalanda.
4. The Accountant General, A.G. Bawan, Beer Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the State	:	Mr. Anil Kumar, A.C. to S.C. 8
For the Accountant General	:	Mr. Kameshwar Prasad Gupta, Advocate
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioner; State;
Accountant General and Bihar State Food and Civil Supplies
Corporation Ltd. (hereinafter referred to as the 'Corporation').

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

*“That this is an application praying for
issuance of writ/writs certiorari or appropriate in
nature for directing and commanding to the
respondents to forth make payment of monthly
pension from the date of retirement from service
dated 31.01.2001 of the petitioner and as well as for
direction to the respondents to make payment of
arrears of the pension to the petitioner from date of
retirement from service with statutory interest who
was appointed in civil supply department
government of Bihar Patna and he retired from
service from civil supply corporation, Bihar Patna”.*



3. In sum and substance, he seeks pension.

4. The petitioner claims to have joined the service as a Night Guard in the office of *Vyapar Mandal* on 01.02.1966. Thereafter, he was deputed to the Corporation on 13.08.1974 in its godown at Rajgir from where he superannuated on 30.01.2001.

5. A counter affidavit has been filed on behalf of the Corporation in which the stand is that he has not shown any documents to indicate that he was ever a government servant and in fact, after his superannuation, he has received and accepted all retiral benefits as is permissible to an employee of the Corporation including E.P.F.

6. Learned counsel for the Corporation further raised a preliminary objection and submitted that after more than 16 years of his superannuation, the petitioner has filed the present writ application which deserves to be dismissed.

7. Learned counsel for the petitioner submitted that he had joined Government service and is, thus, entitled to pension as he was only sent on deputation to the Corporation but never absorbed in its service or appointed in the Corporation.

8. Having gone through the averments made and materials brought in the writ petition and the counter affidavit filed on behalf of the respective respondents, the Court has no hesitation



to record that except for making a bald statement that the petitioner was initially appointed in the *Vyapar Mandal* on 01.02.1966 and then sent on deputation to the Corporation on 13.08.1974, the same is not backed by any records. Further, the objection of the Corporation that if the petitioner has been on deputation, he would not have been paid the retiral benefits by the Corporation and still him having been paid the same after service book in which endorsement has been made only by the officer of the Corporation, and him having accepted the same and then after superannuation waiting for more than 16 years to move the Court, clearly indicates that the claim is not *bona fide*. Moreover, even if it is admitted, for the sake of argument, that the petitioner had jointed the *Vyapar Mandal*, the same cannot be considered to be an employment under the State Government entitling him to pension.

9. In view thereof, the writ petition stands dismissed, both on the ground of delay and laches as well as on merits.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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