

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19117 of 2011

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Dilip Kumar Chaudhary, Son of Late Rambriksha Chaudhary, Resident of Mohalla
Nehru Nagar (North) P.S. Pataliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Agriculture Production Commissioner Government of Bihar, Patna.
3. Secretary, Department of Agriculture Government of Bihar, Patna.
4. Director Agriculture, Government of Bihar, Patna.
5. Director, Horticulture Directorate, Bihar, Patna.
6. Administrator, Earstwhile Bihar State Agriculture Marketing Board, Pant
Bhawan, Bailey Road, Patna.
7. Provident Fund Commissioner Pant Bhawan, Patna.
8. Accountant General, Bihar Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra and Ms. Priya, Advocates
For the State	:	Mrs. Binita Singh, S.C. 28 Mr. Vivek Anand Amritesh, A.C. to S.C. 28
For the Accountant General	:	Mr. S. M. Ehtesham, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-03-2018

Heard learned counsel for the petitioner and the State.

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

*“That this is an application for issuance of
an appropriate writ or writs or Direction, directing
the respondents to pay the retirement benefits to the
petitioner who has superannuated on 31.08.2010 as
Sub-Divisional Horticulture Officer from the office
of respondent no. 5 after completing the age of
superannuation, such as:-*

- (i) Pension in the revised scale of pay*
- (ii) Gratuity*
- (iii) C.P.F.*
- (iv) Leave Encashment*
- (v) Benefit of A.C.P.”*



3. After some arguments, it transpires that the only issue by which the petitioner is aggrieved is denial of pension and gratuity to him. It further appears that pursuant to a decision of a co-ordinate Bench of this Court in C.W.J.C. No. 4452 of 2012 and analogous cases dated 22.05.2015, in which this issue was involved, the Court had remanded the matter to the authorities concerned for reconsidering the condition restricting the absorbed officer/employee to the new pension scheme in terms of the resolution dated 02.09.2008. It transpires that a Committee of three Secretaries were constituted which has taken a decision on 25.01.2016 rejecting the claim of pension of persons similarly situated to the petitioner by which, obviously, he would also be governed. Though, I.A. No. 2355 of 2017 has been filed on behalf of the petitioner to assail the same, the Court is not inclined to permit such course of action as the cause of action being of the year 2016, that too, pursuant to an order passed by a co-ordinate Bench in another writ petition, and the present application being of the year 2011. Faced with situation, learned counsel for the petitioner submitted that the present writ petition be disposed off with liberty to assail the said order denying pension and gratuity to the petitioner.

4. Learned counsel for the State does not oppose.

5. In view thereof, the writ petition stands disposed off



with liberty aforesaid.

6. At this stage, learned counsel for the petitioner submitted that he may further be permitted to file representation before the competent authority with regard to any retiral dues which though admitted has still not been fully paid. The Court would, thus, further permit the petitioner to make an appropriate representation before the competent authority in the matter with regard to any admitted dues which may have remained unpaid. Upon such representation being filed, the authorities concerned shall consider the same and dispose it off by passing a reasoned order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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