

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14042 of 2010

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Ram Chandra Upadhyay S/O Late Khoshi Upadhyay R/O Vill.- Mahatpura, P.S. Giryak, Distt.- Nalanda, Bihar, At Present Address R/O Mohalla- Sahmir Takiya (Durga Asthan), In Front Of Post Office, P.S.- Civil Lines, Distt.- Gaya, Bihar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna
2. The Secretary Department Of Administrative Reforms, Govt. Of Bihar, Patna
3. The Secretary Null Finance Department, Govt. Of Bihar, Patna
4. The Secretary-Cum-Commissioner Department Of Secondary, Primary Adult Education, Govt. Of Bihar, Patna
5. The Director, Directorate Of Mass Education Null Department Of Secondary, Primary And Adult Education, Govt. Of Bihar, Vikash Bhawan, Patna
6. The Director, Adult And Non-Formal Education, Patna
7. The Deputy Secretary Food Supply And Commerce Department, Bihar, Patna
8. The District Magistrate, Aurangabad
9. The Sub-Divisional Magistrate, Aurangabad, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. JAI PRAKASH SINGH

For the Respondent/s : Mr. G.P.-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 26-06-2018

The present writ petition has been filed for quashing the order dated 29.03.2010 by which the representation of the petitioner for grant of continuity in service has been dismissed. The petitioner has further prayed for directing the respondents to treat the petitioner in continuous service for the period in between 1992 to 1994 and 2001 to 2006 during which the petitioner was terminated and thereafter, subsequently reinstated. Consequently, the arrears of salary has also been claimed.

The learned counsel for the respondents, referring to paragraph no.8 of the counter affidavit, has submitted that on account of abolition of the scheme, the petitioner was out of service and



therefore, there was admitted break in service leading to forfeiture of past service on account of interruption in service, hence, due to break in services, the said period cannot be regularized.

The learned counsel for the respondents, referring to Rule 103 of the Bihar Pension Rules submits that interruption in the service of a government servant entails forfeiture of his past service. It has been further submitted that nonetheless the department has taken a decision to grant the benefit of the service rendered by the petitioner prior to 1992 and post 1998 for the purposes of calculating the pensionary benefits.

I have heard the learned counsel for the parties and gone through the material on record as also the order dated 29.03.2010 passed by the Principal Secretary, Human Resource Development, Government of Bihar and I find that there is no illegality in the same. Moreover, no other ground has been made out to assail the order dated 29.03.2010.

For the reasons stated above, there is no merit in the writ petition, accordingly, the same is disposed of being devoid of any merit.

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
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