

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18821 of 2014**

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Suresh Prasad Sharma, son of Late Mohan Prasad Sharma, Resident of Village Aarari, Temple Road, P.S.- Barari, District Bhagalpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar State Education Project Council, Beltron Bhawan, Shastri Nagar, Patna
3. The District Magistrate, Purnea
4. The District Education Programme, Co-ordinator -cum- District Education Officer, Purnea
5. The District Officer-cum-Chairman, District Executive Committee, Bihar Education Project, Purnea

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Rahi, Advocate

For the Respondent/s : Mr. Dhurjati K. Prasad, GP-14

For the BEPC : Mr. Girijesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**Date: 29-10-2018**

The grievance of the petitioner in the present writ application is for determination of his post-retiral benefit on the basis of 5<sup>th</sup> and 6<sup>th</sup> Pay Revision Commission and consequent to other Revision Commission Recommendation.

2. Learned counsel appearing on behalf of Bihar State Education Project Council submits that the petitioner is entitled to the pensionary benefits in terms of the pay and the benefit which was admissible in the parent department.

3. Learned counsel appearing on behalf of the petitioner in reply has referred to letter of the parent Department, which indicates that the petitioner would be entitled to pay protection



on his deputation in the Bihar Education Project.

4. The present writ application has been filed in 2014 whereas the petitioner attained the age of his superannuation in January, 2015.

5. The petitioner has superannuated and he has been paid benefits in terms of the pay and other benefit admissible in the parent department.

6. Considering the fact that the deputationist has a limited right and privilege on deputation, the Court is not inclined to issue any positive direction. However, liberty shall be available to the petitioner to approach the concerned authorities, if the authorities have extended such benefit to the similarly circumstanced others, similar treatment should be extended to the present petitioner also. Necessary decision in this regard must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

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

**(Anil Kumar Upadhyay, J)**

Uday/-

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