

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.64 of 2017

IN

Civil Writ Jurisdiction Case No. 10285 of 2014

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Mahesh Prasad Singh, son of Late Ramanand Singh, resident of Village- Ufraul,
P.O.- Dihari, P.S.- Pipra, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar, through it's Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Finance Commissioner, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Development Department, Government of Bihar, Patna.
5. The Deputy Secretary, Command Area Development Directorate, Water Resources Department, Government of Bihar, Patna.
6. Panchanand Prasad, son of Late Kailash Prasad, resident of Mohalla- Ram Krishna Nagar, Diva Colony, P.S. Ram Krishna Nagar, Patna.
7. Dinesh Prasad Sinha, Son of Sri Ramdeo Sinha, resident of Village- Usman Chak, P.S.- Masaurhi, Dist.- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 18-06-2018

The appellant is aggrieved by the impugned judgment dated 08.04.2015 passed in C.W.J.C No.10285 of 2014 disposed off with analogous C.W.J.C No.1633 of 2015 by the learned writ Court.

2. It appears that by the impugned judgment the learned writ Court has disposed off the writ applications in terms of the order dated 27.03.2015 passed in C.W.J.C No.284 of 2011 (Shree Prakash Vs. The State of Bihar & Ors.) along with C.W.J.C No.4220 of 2011 (Vishnudeo Singh Vs. The State of Bihar & Ors) . The learned writ Court has indicated that the petitioners would be required to show before the Sone Command Area Development Agency (SCADA) that



once they had opted for getting their retirement benefit under Contributory Provident Fund, how can they be allowed to turn around and claim pension under the Bihar Pension Rules in terms of the order dated 27.03.2015.

3. A copy of the order dated 27.03.2015 has been brought on record with the supplementary affidavit filed on behalf of the appellant. We take note of the operative part of the said order in Paragraph-5 as under:-

“ In view of the rival submissions, for the present, petitioners be granted benefit of pension in terms of Contributory Pension Scheme within one month from the date of receipt/production of a copy of this order before the authorities of the Agency, if not already granted, and thereafter the authorities of the Agency should consider the submission noted above that predecessor body of the Agency having already adopted the Bihar Pension Rules, can the successor Agency not abide by the same only on the pretext of paucity of fund. Aforesaid reasoned order be also passed by the Commissioner-cum-Chairman of the Agency within the same time.”

4. In the nature of the order which has been passed by the learned writ Court we do not find any error in the impugned order.

5. The Letters Patent Appeal has not merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	N/A
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