

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1580 of 2014

- =====
1. Baban Prasad S/O Sri Kishun Gond Resident Of Mohalla - Nalband Toli, P.S. Buxar, District - Buxar
 2. Vinod Kumar Prasad Son Of Sri Kanhaiya Prasad Resident Of Village - Purana Bhojpur Chowk, Ara Mor, P.S. Dumraon, District - Buxar
 3. Radha Prasad Sah Son Of Sri Raj Nath Sah Resident Of Village - Brahmpur, P.S. Brahmpur, District - Buxar
 4. Satish Kumar Son Of Late Manoj Kumar Resident Of Village - Gajadharganj, Station Road, P.S. Buxar, District - Buxar

... Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Finance, Government Of Bihar, Patna
3. The Principal Secretary, Department Of General Administration, Government Of Bihar, Patna
4. The Principal Secretary, Revenue And Land Reforms Department, Govt. Of Bihar, Patna
5. The Commissioner, Patna Division, Patna
6. The District Magistrate, Buxar
7. The Director, P.F. Directorate, Patna

... Respondents

=====

Appearance :

For the Petitioners : Mr. PRASHANT KUMAR, Advocate

For the State : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 24-07-2018

Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners submits that the process of appointment on Class III post in the district establishment was initiated under advertisement issued in the year, 1998. The BPSC under memo no. 1053 dated 16.1.2003 made a recommendation for appointment of the petitioners along with others. The petitioners however were made to join much later in



view of some complications arising out of delayed implementation of the aforesaid recommendations. The appointment letters came to be issued belatedly by the authorities as late as in between January to November, 2007. Petitioners are now aggrieved by the departmental delay in issuing the appointment letters after withdrawal of the Old Pension Scheme which came into effect during the interregnum with effect from 1.9.2005.

It is submitted by learned counsel for the petitioners that in other cases, such as in C.W.J.C.No. 13797 of 2016 where the petitioners under similarly situated circumstances, have been issued appointment letters after withdrawal of Old Pension Scheme, though the process had been completed and recommendations were made prior to the withdrawal of the Old Pension Scheme on 01.09.2005, as in this case this Court has held that the petitioners cannot be denied the benefits of Old Pension Scheme for delay attributable to the respondents. Petitioners also cannot be deprived of the benefit of Old Pension Scheme for delay having been occasioned on the part of the respondents in issuing appointment letters belatedly, though entire process of selection till issuance of recommendation for appointment had been made prior to 1.9.2005.

Relying upon the decision of this Court in C.W.J.C.No. 19612 of 2015 (Amrendra Vidyarthi and others Vs.



the State of Bihar and others), it is submitted that the petitioners, who are under identical circumstances and are being deprived of benefits of full pension scheme, may approach the District Magistrate, Buxar (respondent no. 6) seeking parity in the matter of grant of benefits under the Old Pension Scheme with the other similarly situated, whose case has been taken note of herein above.

The petitioners may make their representation in respect of their grievance and for any other issues including claim for due seniority, before the District Magistrate within a period of four weeks from today. In event, such application is made, the District Magistrate, Buxar (respondent no.6) shall be obliged to consider the same and dispose it of in accordance with law having regard to the declaration of law as noticed herein above within a period of eight weeks thereafter.

The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

