

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8742 of 2016

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1. Ramesh Prasad Rai, son of Mahendra Rai, resident of village +P.O Hettanpur, via Mahnar, District Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
3. The Joint Commissioner, Accounts Administration-cum-Director, Provident Fund Directorate, Govt. of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The Accountant General, A & E, IInd, Bihar.
6. The District Provident Fund Officer, Begusarai.
7. The District Provident Fund Officer, Purnea.
8. The District Provident Fund Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anju Mishra, Adv.
For the Respondent/s : Mr. Kumar Alok, S.C.8
Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

8 10-01-2018 Ms. Anju Mishra learned counsel for the petitioner, Mr. Kumar Alok, S.C.7 for the State and Mr. Raj Nandan Prasad, learned counsel for the Accountant General is present.

Although a different set of reliefs are prayed in the writ petition but when the matter is taken up Ms. Mishra learned counsel on instructions from the petitioner submits that she has been instructed to withdraw the writ petition to avail the remedy available to the petitioner in terms of paragraphs 7 and 8 of a



judgment and order passed by a Division Bench in a batch of cases arising from **L.P.A.No.716 of 2017 (Mukteshwar Prasad Singh and Ors. Vs. State of Bihar and Ors.)** whereby the Division Bench while directing the State of Bihar to count the services rendered by the appellants in the batch of appeals in the Board, Corporation and Public Sector undertakings prior to their absorption in the State for purpose of grant of pensionary benefits has further observed that the order shall govern all such employees of the Board/Corporation/Public Section Undertaking who were working in the State of Bihar after absorption which according to Ms. Mishra would include the petitioner as well. According to Ms. Mishra, the absorption of the petitioner in the State was under the same policy decision in which the appellants in the Letters Patent Appeal had been absorbed whose cases were placed for consideration before the Division Bench in the batch of cases arising from the case of **Mukteshwar Prasad Singh** (supra.)

Para 7 and 8 of judgment reads thus:

“7. In view of the aforesaid, we allow all these appeals, quash the order dated 29.03.2017 passed by the Writ Court in C.W.J.C. No. 7702 of 2010 and other analogous cases and direct the State of Bihar to grant benefit to each of the appellants herein by counting services as rendered by them in the Boards, Corporations and Public Sector Undertakings prior to their absorption and to grant them the pensionary benefit after counting such service in the Boards or Corporations.



8. That apart, we may observe that this order shall be made applicable to all such employees, who are working in the State of Bihar. Regardless to the fact as to whether they have filed writ application or not, as per the Litigation Policy of the State of Bihar, this order shall be implemented, in the case of all identically situated employees, who claim the benefit by the State Government.”

She submits that it is following the position settled by the Division Bench in the judgment of **Mukteshwar Prasad Singh** (supra) and the direction given thereunder to extend the benefit to similarly situated employees which covers the case of the petitioner, that the petitioner has filed a representation before the concerned authority. She thus prays for disposal of the writ petition to enable the petitioner to pursue the relief as available to the petitioner in terms of the Division Bench order.

The writ petition is accordingly disposed of with the liberty so prayed.

(Jyoti Saran, J)

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