

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11000 of 2018

Chandradip Mahto S/o late Yaddu Mahto Resident of Village Goraul, P.S. Goraul, Distt. Vaishali (Senior Clerk Retd.), District- Consumer Forum Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department Govt. of Bihar, Patna.
4. The Principal Secretary Consumer Protection Department Govt. of Bihar, Patna.
5. The Addl. Secretary Cum Director, Consumer Protection Bihar, Patna.
6. The Managing Director, Bihar State Food and Civil Supply Corporation Daroga Rai Path Road No. 2, Bihar, Patna.
7. The Accountant General (A & E) Bihar, Patna.
8. The District Magistrate, Muzaffarpur.
9. The Chairman District Consumer Forum Muzaffarpur.
10. The Treasury Officer, Muzaffarpur.
11. The District Provident Fund Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor, Adv.
For the State	:	Mr. S. Raza Ahmad- Aag5 Mr. Vishwambhar Prasad, AC to AAG-5
For the AG	:	Mr. Arun Kumar Arun, Adv.
For BSFC	:	Mr. Nirmal Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 19-12-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsels appearing on behalf of the Bihar State Food and Civil Supplies Corporation (BSFC) and Accountant General, Bihar, Patna.

Petitioner seeks payment of pension and retiral benefits on the basis of his initial appointment on the post of Clerk in the Bihar State Food and Civil Supplies Corporation on 15.03.1974



but from 08.04.1997 the petitioner was absorbed with the State Government and superannuated on 31.07.2014. He prays for counting of the period spent with the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the “Corporation”) for pensionary benefits as he submits that the period spent in the Corporation was 15.03.1974 to 07.04.1997.

Learned counsel for the State has brought to my notice a Full Bench decision in the case of Harishankar Prasad Vs. The State of Bihar in (CWJC No. 13495/2008) and other analogous cases decided on 01.11.2018 wherein similar matters have come up for consideration and the Full Bench has ordered thus:

“In view of the above and for the reasons stated above, it is held that the respective writ petitioners being the employees of the erstwhile Corporation shall not be entitled to pension/pensionary benefits/total gratuity counting their services rendered by them with the Corporation and that the State Government is justified in paying the pension/pensionary benefits to the concerned retired employees on pro-rata basis counting their services rendered by



them with the State Government only. All the writ petitions stand dismissed, accordingly.”

Considering that the matter is already decided by the Full Bench, petitioner is not entitled to any relief.

The writ application stands dismissed, accordingly.

(Nilu Agrawal, J)

kamlesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2018
Transmission Date	NA

