

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11985 of 2018**

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Md. Allauddin @ Allauddin @ Allaudeen Miyan S/o Late Sanichar Mian R/o  
Village- Kutubpur, Police Station Mathurapur, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, the Department of Food & Civil Supplies Bihar, Patna
2. The Chairman cum Managing Director, Civil Supplies Corporation, Sone Bhawan, Veer Chand Patel Patha, Patna
3. The District Manager, Bihar State Food & Civil Supplies Corporation, Saharsa null null
4. The District Provident Officer, Khagaria
5. The District Treasury Forum, Khagaria
6. The Accountant General, Bihar, Patna
7. The District Manager, Bihar State Food & Civil Supplies Corporation, Khagaria

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar  
For the State : Mr. Arvind Ujjwal- Sc4  
For the AG(Respondent No. 7) : Mr Arun Kumar Arun, Adv.  
For BSFC (Respondent No. 2-4) : Mr. Shailendra Kr. Singh, Adv.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL JUDGMENT**

**Date : 19-12-2018**

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

Petitioner in the present writ application prays for grant of retiral dues counting the period spent by him in the Food and Civil Supplies Corporation (hereinafter referred to as “Corporation”). Petitioner joined on 17.12.1973 in the Corporation and absorbed by the State Government on 03.11.1997 as a



Sweeper-cum-Watchman in Class-IV post. Petitioner retired on 31.12.2007 and he prays for counting the length of service spent in the Corporation between 17.12.1973 till 02.11.1997.

Learned counsel for the Bihar State Food and Civil Supplies Corporation submits that now the matter is no longer res integra as a Full Bench of this Court has decided the matter 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 it has been held as follows:

*“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 the said, this writ application stands dismissed,  
accordingly.

**(Nilu Agrawal, J)**

kamlesh/-

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| AFR/NAFR          | NAFR       |
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