

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23859 of 2013

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SATISH CHANDRA JHA SON OF LATE UPENDRA NATH JHA
RESIDENT OF VILLAGE - SONUPUR, P.S. - ROSERA, DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

1. The State Of Bihar , Through Secretary, Department Of Rural Development,
Old Secretariat, Patna
2. Secretary, Department Of Rural Development (Gramin Karrag Vibhag), Old
Secretariat, Patna
3. District Magistrate/Collector, Darbhanga
4. Deputy Collector (Establishment), Darbhanga Collectorate, Darbhanga
5. Executive Engineer, Local Area Engineering Organisation, Works Divsiion Ii,
Benipur, P.S - Bahera, District - Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
	:	Mr. Akhilesh Kumar Sinha, AC to SC

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date:05-02-2018

This writ petition under Article 226 of the Constitution

of India has been filed for a direction to the respondent authorities to treat the petitioner in continuance service of the State from 27.05.81 when he joined the service of Bihar State Road Transport Corporation till 30.11.89 when he was absorbed as a employee of State Government for purpose of calculating retiral benefit in terms of policy decision of State of Bihar.

2. It has been further prayed that petitioner may be granted pay protection as granted to two similarly situated employees.

3. Briefly stated, the facts of the case is that the case



of petitioner as stated in petition is that he was appointed as a Traffic Clerk on 27.05.81 by the Bihar State Road Transport Corporation on a vacant post by competent authority and performed his duty to the satisfaction of all concerned.

4. The State Government vide letter dated 01.12.1985 communicated its policy decision in order to implement scheme under National Rural Employment dated 10.06.1983 at Block level and sanctioned 587 posts of Junior Engineer and Junior Accounts Clerk. The petitioner having requisite eligibility and qualification for the post of Junior Accounts Clerk and said posts were to be filled up from the surplus staff of Water Development Corporation, Agro Industries Corporation and Bihar State Road Transport Corporation and pursuant to said policy decision the name of petitioner was recommended along with other three employees for appointment on the post of Junior Accounts Clerk and by order dated 30.11.89 petitioner was directed to be absorbed on the post of Junior Accounts Clerk and petitioner joined on said post on 15.12.89.

5. In spite of several representations filed by the petitioner the respondents have not taken into account period from 27.05.81 to 30.11.89 for the purpose of promotion and pensionary benefits. It has further been submitted that



petitioner's case is covered by order dated 22.01.2010 passed in C.W.J.C. No. 1745 of 2008 as enclosed Annexure-8 to writ petition and order dated 12.09.2011 passed in C.W.J.C. No. 10381 of 2011 as well as order dated 20.12.2011 passed in C.W.J.C. No. 18523 of 2011 as contained in Annexure-10 of writ petition.

6. Lastly it has been submitted that petitioner is in service since 27.05.81 and will be retiring in February 2017 yet respondent authorities have not taken any decision with respect to petitioner although several representations have been filed by the petitioner. The issue for calculating the service period of petitioners and similarly placed employees spent in the Bihar State Road Transport Corporation has already been considered by this Court in its previous judgment and orders as enclosed in this writ petition and it has been held that the period spent in the Bihar State Road Transport Corporation will be calculated for purpose of grant of pension and ACP in the State Government Employment.

7. In view of the judgment and order as referred above, the issue raised in this petition is squarely covered in order dated 14.12.2016 passed in C.W.J.C. No. 15013 of 2013 and order dated 15.05.2017 passed in C.W.J.C. No. 7216 of



2017 and respondent no. 2 is directed to include the period of service of petitioner spent in Bihar State Road Transport Corporation for calculation of his pensionary benefits as well as grant of ACP.

8. This writ petition is allowed.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

