

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4125 of 2018

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Arun Kumar Verma, son of Ram Bhawan Prasad Verma, Resident of Village-
Paharpur, P.S.- Jahangipur, District- Sheohar, Presently posted as Officer
Peon, Primary Health Centre, Suppi in the District of Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Health Secretary, Govt. of Bihar, New Secretariat, Patna.
4. The Regional Deputy Director (Health Services), Tirhut Division,
Muzaffarpur.
5. The Civil Surgeon-cum- Chief Medical Officer, Sitamarhi.
6. The Medical Officer, Primary Health Centre, Suppi, District- Sitamarhi.
7. The Collector-cum- District Magistrate, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Advocate
For the Respondent/s : Mr. A.B. Sinha, GA8

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 07-12-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. Petitioner seeks quashing of the orders dated
05.01.2018 and 15.02.2018, Annexure-1 & 1/1 by which the
petitioner has been communicated that he is going to superannuate
on 28.02.2018 under the New Pension Scheme.

3. It has been submitted by the learned counsel for the
petitioner that in pursuance to Advertisement No. 01 dated
23.11.2004, he applied for the post of 4th Grade employee, but
appointment could be made only on 06.12.2007. He submits that
since advertisement pertained to the year 2004, old rules will apply



and the petitioner would not be treated to be in the New Pension Scheme, which was effective with effect from 01.09.2005.

4. Learned counsel for the State, however, submits that since the petitioner was appointed in the year 2007 and the New Pension Scheme came into force with effect from 01.09.2005, the petitioner will automatically come under the New Pension Scheme.

5. It has been held by a number of decisions of this Court as well as the Apex Court that the date of appointment of the employee will be the date when he is born in the cadre and since the petitioner was appointed in the year 2007, he cannot claim benefit of Old Pension Scheme.

6. Writ application is, accordingly, dismissed.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2018
Transmission Date	NA

