

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13260 of 2012

=====

Mukesh Prasad Singh S/O Sahdeo Pd. Singh Senior Scientist Cum Associate Professor And Incharge Micro Nutrient Scheme, Rajendra Agriculture University, Pussa, Samastipur

... .. Petitioner/s

Versus

1. The Rajendra Agricultural University through its Registrar having Office At Pusa, Samastipur
2. The Vice-Chancellor, R.A.U., Pusa, Samastipur
3. The Director, Administration, R.A.U., Pusa, Samastipur
4. The Comptroller, Rajendra Agricultural University, Pusa, Samastipur
5. The State Of Bihar Through Agricultural Production Commissioner, Govt. Of Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Sri Niwas Jha, Advocate
For the Dr. Rajendra Prasad Central Agriculture University	: Mr.D.K. Sinha, Sr. Advocate
	: Mr. Chandra Mohan Singh, Advocate
For the State	: Mr. Nishant Kumar Jha, AC to SC-28

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 27-02-2019 The present writ petition has been filed to direct the respondents to include the petitioner under the pension scheme of the University entitling him to full pension and full gratuity and U.G.P.F. upon superannuation with interest.

2. The brief facts of the case are that the petitioner was appointed as Junior Scientist cum Assistant Professor vide notification dated 23.01.1987 and joined at Irrigation Research Station, Madhepura on 13.02.1987. Subsequently, the petitioner is stated to have been promoted and ultimately, he



superannuated. It is the case of the petitioner that under the University statutes, there is provision of two schemes of retiral benefits i.e. firstly, C.P.F. & gratuity and the other one is U.G.P.F. + Pension + Gratuity, hence, the petitioner had made a representation for shifting his option to the scheme i.e. U.G.P.F. + pension + Gratuity, however, the same has not been done.

3. The learned counsel appearing for the Respondent No. 5 i.e. the Agricultural Production Commissioner, Government of Bihar, Patna has submitted by referring to the counter affidavit that the petitioner is under the C.P.F. scheme and despite option invited from the employees by the erstwhile, Rajendra Agricultural University, Pusa and its units in the year, 1990, 1995, 1996 and 2008, the petitioner did not opt for the pension cum gratuity cum G.P.F. scheme. It has further been submitted that the controlling authority of the petitioner had forwarded the name of the petitioner to the University, which was received by the University on 24.04.2008 after the stipulated period, hence, the case of the petitioner was not considered. In the counter affidavit, it has been averred that the erstwhile Rajendra Agricultural University, Pusa, Samastipur has been converted into Dr. Rajendra Central Agricultural University with effect from 07.10.2016 and the Bihar Agricultural University Act,



1987 has been repealed, hence, the University is governed by the Central Act i.e. Dr. Rajendra Prasad Central Agricultural University Act, 2016.

4. A counter affidavit has been also filed on behalf of the Rajendra Agricultural University, Pusa by the Deputy Registrar wherein it has been stated that the petitioner is covered under the C.P.F. scheme and despite option invited from the employees of the Rajendra Agricultural University, Pusa and its units in the year, 1990, 1995, 1996 and 2008, the petitioner did not opt for pension cum gratuity cum G.P.F. scheme and even in the year, 2008, the petitioner did not submit his option in time, hence, the claim of the petitioner is not tenable in the eyes of law. It has been further stated in the counter affidavit that vide office order dated 21.02.2008, option was sought from the employees, to be exercised through their controlling officer at the Rajendra Agricultural University, Pusa, to opt for one of the aforesaid two pensions schemes within one month of the issuance of the said letter, however, the petitioner failed to submit his option in time, hence, he has been continued under the scheme by which he was covered earlier i.e. the C.P.F. scheme.

5. I have heard the learned counsel for the parties and I find that the petitioner has not controverted the statements made by



the Respondent No. 5 and by the Deputy Registrar, Rajendra Agricultural University, Pusa in their counter affidavit regarding the petitioner having not opted for pension cum gratuity cum G.P.F. scheme either in the year 1990 or 1995 or 1996 or in the year 2008 as well as regarding him not submitting his option in time, hence, no benefit can be extended to the petitioner.

6. For the reasons mentioned hereinabove, I do not find any merit in the present case, hence, the writ petition is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

U			
---	--	--	--

