IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8291 of 2014

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Ashok Kumar Sharma Son of Late Indradeo Sharma resident of Village- Amarpur, P.O- Babhangama, P.S- Bihpur, District- Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Deputy Collector (Establishment), Bhagalpur.
4. The Block Development Officer, Kharik, District- Bhagalpur.
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pravina Kumari, Advocate
For the State	:	Mrs. Binita Singh, SC 28
		Mr. Vivek Anand Amritesh, AC to SC 28
For the AG	:	Mr. Raghuwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date : 07-01-2019

The brief background leading to filing the instant writ petition is that the petitioner had worked under the census operation for the period between 30.03.1981 to 31.05.1982. Thereafter, in view of the census being completed the petitioner's work also ceased. Various employees of the census operation had therefore, approached this Court and under certain judicial orders the respondents were obliged to consider their claim for being absorbed. The petitioner thereafter in light of the judicial pronouncement, filed his petition on 28.06.2000 which was considered by the office of the District Magistrate, Bhagalpur respondent no. 2 and a decision in respect of his appointment was taken in the meeting of the establishment committee on 31.12.2002 itself. Petitioner thereafter came to be appointed and he has worked in the service of the respondent State for 9 years and 23 days in the regular establishment prior to his retirement on 31.01.2012.

In the aforesaid facts the petitioner does not fulfill the 10 years qualifying service so as to entitle him to the benefit of grant of pension.

Counsel for the petitioner submits that in respect of certain other similarly situated who were retrenched census employees, the government has allowed their claim for retiral dues by counting the period spent in the census operation and adding it to the length of qualifying service.

The specific claim of the petitioner has been denied by the respondents. In the counter affidavit it is stated that the claim of another similarly situated namely Chandra Kishore Mishra for grant of similar benefit was considered and was not accepted by the Finance Department of the State Government. Counsel for the State therefore, submits that claim of the petitioner for grant of pension by adding the period spent in the census operation between 30.03.1981 to 31.05.1982 cannot be considered.

The assertion made in the counter affidavit is neither disputed nor denied by filing any rejoinder. Otherwise, also counsel for the petitioner has not pointed out any rule or provision under which the said period can be counted for the purposes of qualifying service for grant of pension to the petitioner.

In view of the aforesaid circumstance, writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	