

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.251 of 2019

1. Sunil Kumar Sriwastava S/o Late Pashupati Sriwastawa, Resident of Village- Murila Pain Tola, P.O.- Ram Nagar, P.S.- Ram Nagar, District- West Champaran. at present residing at Mohalla- Dhirachak, P.O.- Anishabad, P.S. Gardanibagh, Patna.
2. Anil Kumar, S/o Late Kesto Das, Resident of Village- Murila Narayanpur, P.O.- Ram Nagar, P.S.- Ram Nagar, District- West Champaran. at present residing at Mohalla- Mahabir Colony Sai Chak, P.O.- Anishabad, P.S.- Beur, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Pr. Secretary, Art Culture and Youth Department, Government of Bihar, Patna-1.
3. The Director General, Bihar State Sports Authority, Moinul Haque Stadiul, Rajendra Nagar, Patna-16.
4. The Director cum Secretary, Bihar State Sports Authority, Moinul Haque Stadium, Rajendra Nagar, Patna 16

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Karan
For the Respondent/s : Mr.Dhurjati Kr. Prasad- GP14

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-06-2019 Heard counsel for the petitioners and counsel for the respondents-State.

Petitioners are employees under Bihar State sports Council. It is their submission that in terms of their absorption they are entitled to all service benefits at par with State Government employees. On account of such entitlement, they have approached respondent-authority with their claim for grant of ACP.



The fact that petitioners' entitlement is to be treated at par with State Government employees is an issue which stands concluded in favour of the petitioners as in the case of other similarly situated persons namely, Nathu Ansari a Division Bench vide order dated 13.09.2017 had directed that the said Nathu Ansari be treated as government employee and that benefit accruing to government employees be paid to him.

Issue as per submission of counsel for the petitioners has now attained finality as Special Leave Petition filed by the State of Bihar against the order passed in the case of Nathu Ansari has been dismissed by the Apex Court. The Apex Court has clearly stated that there is no need for interference with the order passed by the Division Bench.

In view of such development subsequent to filing of this writ petition in view of order dated 26.04.2019 passed in SLP (Civil) No. 30713/2018, it is submitted that petitioners are entitled to same benefit as has been held to be deemed to Nathu Ansari.

Counsel for the petitioners also places reliance on the provision contained in clause 4(C) (1) of Bihar State Litigation Policy, 2011 and submits that petitioners' claim is "covered matter".



Since petitioners have already approached respondent-authority in respect of their claim by Annexure P/15, this court would direct the petitioners to supplement their representation with order of the Apex Court dated 26.04.2019 for better appreciation before respondent no.2 (The Pr. Secretary, Art Culture and Youth Department, Government of Bihar, Patna).

It is made clear that if the petitioners do so and if there is no legal impediment in granting ACP, the authority would be obliged to extend the same to the petitioners having regard to provision contained in clause 4(C) (1) of Bihar State Litigation Policy, 2011.

Let final decision be taken by respondent no.2 on the entitlement of the petitioners and dues found admissible be paid to them within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

s.hassan/-

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