

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4317 of 2019

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Kameshwar Prasad Singh S/o Late Bishwanath Singh Resident of Village-
Nadi Par, P.O.- Puchari, P.S.- Jalalpur, District- Saran

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar Karan
For the Respondent/s : Mrs .Alka Verma AC to SC17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 18-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

Heard Mr. Hemant |Kumar Karn, the learned counsel for the petitioner and Mrs. Alka verma, the learned AC to SC 17.

The petitioner, in this writ petition, seeks direction to the respondents to pay him pension and all other retrial benefits as Government employee after grant of ACP/ MACP.

The admitted facts are that the petitioner was appointed as Assistant-cum- Typist in the Bihar State Sports Council on 28.07.1983 but in the year 1986 the Bihar State Sports Council was dissolved and petitioner was adjusted in Bihar State Sports Authority. Sri Sunil Kumar Shrivastava, Sri Anil Kumar and Sri Nathu Ansari were also appointed in Bihar State Sports Council and after dissolution of Bihar State Sports Council they were



also adjusted in Bihar State Sports Authority. Sri Sunil Kumar Shrivastava and Sri Anil Kumar filed CWJC No. 3298 of 1990 for redressal of their grievance and payment of salary and other emoluments. The aforesaid writ petition was disposed of on 02.03.1994 with a direction to the respondents to treat Sri Sunil Kumar Shrivastava and Sri Anil Kumar as Government employee and, accordingly, two orders dated 27.04.1994 and 28.12.1994 (Annexures-P4 & P5) were issued by the administration in favour of the petitioner as well as three others, namely, Sri Sunil Kumar Shrivastava, Sri Anil Kumar and Sri Nathu Ansari and they were allowed all the benefits available to the employees of the State Government and subsequently services of the petitioner and other employees were regularized and the petitioner was also accorded the same benefits. Thereafter, vide letter dated 08.01.1998 the Director-cum-Special Secretary, Government of Bihar directed the Secretary, Bihar State Sports Authority that revised pay scale will be allowed to the petitioner and other employees. Sri Sunil Kumar Shrivastava and Sri Anil Kumar filed CWJC No. 7042 of 1998 for direction to the respondents to deduct/ maintain GIS, LIC, Provident Fund and for a direction to pay them balance of arrears of salary for the period 01.03.1989 to May, 1997. CWJC No. 7042 of 1998 was disposed of vide order dated 11.02.2000 and the respondents were directed to pay the arrears of salary to them for the period 01.03.1989 to May, 1997. No further order with regard to GIS, LIC, Provident Fund was passed since the State counsel submitted that grievance of the petitioners with regard to GIS, LIC, Provident Fund was redressed. It is further submitted that Bihar State Sports Authority came with New Recruitment Rule in the year 2000 and notification for which



was issued on 10.04.2000 and the new Rule was applied on the petitioner and other three employees, who were earlier adjusted in Bihar State Sports Authority from Bihar State Sports Council. Sri Nathu Ansari filed CWJC No. 15774 of 2007 after his retirement for grant of retrial benefits including GIS, LIC, Provident Fund, gratuity, pension and time bound promotion. The writ petition was dismissed on 01.05.2015. Thereafter, Nathu Ansari preferred LPA No. 205 of 1016 against the order passed in CWJC No. 15774 of 2007. The LPA was allowed vide order dated 13.09.2017 (Annexure- P/13) with a direction to the respondents to treat Sri Nathu Ansari to be a Government employee and accord him all the benefits of a Government employee. It is submitted that petitioner retired on 30.06.2013 but retrial benefits such as pension and other retiral benefits were denied to the petitioner. It is further submitted that the State of Bihar filed SLP No. 30713/2018 against the order passed in LPA No. 205 of 2016 but the same was dismissed but even then retrial benefits of the petitioner has not been paid. It is further submitted that Sri Sunil Kumar Shrivastava and Sri Anil Kumar filed CWJC No. 251 of 2019 and this court vide order dated 27.06.2019 disposed of the writ petition with a direction to the State Government to redress the grievance of the petitioners in the light of the order passed in LPA No. 205 of 2016 and the case of the petitioner stands on the same footing.

Respondent No.2, respondent No.3 and 4 have filed their counter affidavit. The contention of the respondents is that the grievance of the petitioner with regard to MACP has already been redressed. The respondents resisted the claim of the petitioner with regard to retrial benefits on the ground that petitioner after his retirement received his retrial benefits as



admissible to the employees of the Bihar State Sports Authority under the 2000 Rules and after six years of his retirement the petitioner filed this writ petition for grant of pension and other retrial benefits admissible to a State Government employee. It is further submitted that petitioner claimed retrial benefits on the basis of judgement passed in the case of Nathu Ansari (LPA No. 205/2016) but Nathu Ansari was driver in the erstwhile Bihar State Sports Council and thereafter he was adjusted in Bihar State Sports Authority. The State filed Civil Review No. 25/2020 against the order passed in LPA No. 205 of 2016 and during the pendency of the review petition the petitioner is not entitled to get any benefits.

From the facts it appears that petitioner was appointed as Assistant-cum-Typist in Bihar State Sports Council in the year 1983 but Bihar State Sports Council was dissolved in the year 1986 and thereafter the petitioner and other similarly situated employees were adjusted in Bihar State Sports Authority. Sri Sunil Kumar Shrivastava, Sri Anil Kumar and Sri Nathu Ansari were also adjusted in Bihar State Sports Authority. Sri Sunil Kumar Shrivastava and Sri Anil Kumar filed CWJC No. 3298/1990 and this court directed the Bihar State Sports Authority to grant similar benefits to them which were given to State Government employees. In pursuance thereof all the benefits were accorded to them and other similarly situated employees of Bihar State Sports Authority and their services were regularized but since there was no provision of GIS, LIC and the account of the petitioner and others were not opened in Provident Fund Sri Sunil Kumar Shrivastava and Sri Anil Kumar filed CWJC No. 7042 of 1998 for payment of balance of arrears of salary and opening of Provident Fund account and



for maintaining GIS and LIC. CWJC No. 7042 of 1998 was allowed and respondents were directed to accord all the benefits to them as Government employees with a further direction to pay balance of arrears of salary. Thereafter, the Bihar State Sports Authority came with a new Recruitment Rule in the year 2000 and the new Rule was applied upon the petitioner and others who were adjusted in Bihar State Sports Authority much prior to the coming into effect of new Rule in the year 2000. Thereafter, Nathu Ansari filed CWJC No. 15774 of 2007 as he was not accorded retrial benefits such as GIS, LIC, Provident Fund and pension but the writ petition was dismissed holding that Recruitment Rule 2000 shall be applicable in the case of Nathu Ansari. Nathu Ansari filed LPA No. 205 of 2016 and a division bench of this court vide order dated 13.09.2017 allowed the LPA and set aside the order passed in CWJC No. 15774/2007 and directed the respondents to treat the appellant as Government employee and accord him all the retrial benefits similar to a Government employee. The State preferred SLP No. 30713/2018 but the same was also dismissed. Therefore, there remains no dispute with regard to the fact that petitioner and other similarly situated employees, who were adjusted in the Bihar State Sports Authority, before coming into effect of 2000 Rules, are entitled to get retrial benefits similar to a Government employee. Similarly, this court in the case of Sri Sunil Kumar Shrivastava and, Sri Anil Kumar vide order dated 27.06.2019 passed in CWJC No. 251 of 2019 directed the respondents to pay all the retrial benefits to the petitioners of that case in the light of order passed in LPA No. 205 of 2016. Nathu Ansari filed MJC No. 977 of 2018 and a division bench of this court by order dated 25.02.2020 directed the respondents to comply the



order passed in LPA No. 205 of 2016.

Having considered the facts aforesaid, I find that there remains no dispute to be decided and, accordingly, I dispose of this writ petition with a direction to the respondents to pay all the retrial benefits to the petitioner similar to that of Sri Sunil Kumar Shrivastava, Sri Anil Kumar and Sri Nathu Ansari within four months from the date of receipt of this order.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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