

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16824 of 2019

Ekleshwar Sharma Son of Late Ramanuj Singh Resident of village - Sohra,
P.S. Naubatpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. District Magistrate Banka.
3. Deputy Development Commissioner Banka.
4. Establishment Deputy Collector Banka.
5. Treasury Officer Banka.
6. Block Development Officer Rajaun, Banka.
7. Accountant General Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh, Adv.
For the Respondent/s : Mr.Smt. Anuradha Singh SC-21

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner, State and the
Accountant General are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings
from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the parties.



With regard to petitioner's claim for counting the period of service rendered in Corporation/Board prior to his absorption in the Board/ Corporation and the consequential benefits, he relied upon a decision of Division Bench in L.P.A. No. 716 of 2017 and analogous cases. The State in the counter affidavit has taken a stand that the State has gone in S.L.P. before the Hon'ble Apex Court and the same is pending. It is submitted that the final decision on payment of pension benefits, therefore, could not be taken. Since the decision in S.L.P. filed against L.P.A. No. 716 of 2017 is still pending, the petitioner's entitlement for counting of his services and the consequential benefits prior to absorption shall be considered by the Respondents after disposal of the pending S.L.P. Since that is the only issue pending in the instant proceeding and no further adjudication is called for, the writ petition need not be kept pending. After disposal of S.L.P. against the order passed in L.P.A. No. 716 of 2017 and analogous cases, the respondents would be under a legal obligation to



consider and take a decision on the petitioner's claim in accordance with law and having regard to the Provisions contained in Clause 4.C(1) of the Bihar State Litigation Policy, 2011.

The writ petition stands disposed off.

(Madhuresh Prasad, J)

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