

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6832 of 2018

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Ram Pratap Paswan Son of Bhagwat Paswan, Resident of Samastipur,
Jafrabad Fatwah, P.O. P.S.- Fatwah, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Ennergy,
Government of Bihar, Patna
2. The Bihar Renewal Energy Development Agency, Government of Bihar,
Sone Bhawan, 3rd Floor, Beer Chan
3. The Chairman, Bihar Renewal Energy Development Agency, Sone Bhawan,
3rd Floor, Beer Chand Patel Pat
4. The Director, Bihar Renewal Energy Development Agency, Sone Bhawan,
3rd Floor, Beer Chand Patel Pat

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Poddar Suresh Gandhi
For the State	:	Mr.Subhash Pd. Singh- GA3
For the BREDA	:	Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 15-10-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner moved this court for a direction to the respondents to pay pension and other retiral benefits to the petitioner.

The petitioner retired from the service of Bihar Renewal Energy Development Agency (hereinafter referred to as the BREDA) on 31.12.2015.

The learned counsel for the petitioner submits that besides pension the petitioner has not received the amount of GPF, GIC and part of EPF amount. The petitioner received the amount of EPF and interest thereon from the year 2007 to 2015 although the petitioner is entitled to receive the EPF amount



and interest thereon from the date of contribution of the petitioner in the EPF. It is further submitted that petitioner is also entitled to pension but BREDA has framed service Rules for the employees of BREDA in the year 2014. Rule 13 (iii) to (vi) were challenged before this court in CWJC No. 19394 of 2015 and a single bench of this court vide order dated 13.07.2016 held that Rule 13(iii) to (vi) are in violation of Articles 14 and 16 of the Constitution of India and allowed the writ petition with a direction to the BREDA to re-draft and re-formulate new service conditions which satisfies Articles 14 and 16 of the Constitution of India. The BREDA came up with new Rules by way of amendment in the year 2017. It is submitted that the petitioner and others challenged the amended Rules of 2017 whereby the petitioner and others have been denied pension in CWJC No. 6508 of 2020 (Sunil Kumar Sinha & Ors v. the State of Bihar & Ors). Therefore, at this stage I find that no order can be passed with regard to pension of the petitioner.

It is further submitted that in similar case a single bench of this court in CWJC No. 25227 of 2019 directed the petitioner of that case to file representation before the authority who shall calculate the entitlement of post retiral dues and ensure payment of balance amount along with calculation chart to the petitioner within a period of two months from the date of filing of such representation.

Mr. Prasoon Sinha, the learned counsel for the BREDA, submits that the Director, BREDA has already passed reasoned order in pursuance of the order dated 22.06.2020 passed in CWJC No. 25227 of 2019. The BREDA has got no objection in calculating the entitlement of the petitioner under all heads according to Rules and making payment to the



petitioner with calculation chart within two months from the date of filing of representation by the petitioner.

Having considered the facts aforesaid, I dispose of this writ petition with a direction to the petitioner to file representation before the Director, BREDA within three weeks and upon such the Director, BREDA shall calculate the entitlement of the petitioner under all heads of retiral benefits such as GPF, GIC and EPF and make payment along with calculation chart showing the payment of principal and interest calculated thereon within two months thereafter.

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

(Prabhat Kumar Jha, J)

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