

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2643 of 2020

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1. Bindeshwar Prasad S/o Late Bhagwat Prasad resident of village Mohanpur, P.O. and P.S.- Nalanda District- Nalanda
 2. Shambhu Prasad son of Late Etwari Mahato resident of village Mohanpur, P.O. and P.S.- Nalanda, District- Nalanda

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna
3. The Collector, Nalanda
4. The Deputy Collector, Establishment, Nalanda
5. The Director, Agriculture, Govt. of Bihar, Patna
6. The District Agriculture Officer, Nalanda, Bihar Sharif
7. The Sub-Divisional Agriculture Extension Officer, Hilsa, Nalanda

... .. Respondents

Appearance :

For the Petitioners : Mr.Arun Kumar Tiwari, Advocate
For the Respondent-State: Mr.Anant Pd. Singh, SC-15

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 28-01-2021

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The instant writ petition has been filed by the petitioners seeking a direction to the respondents to grant and pay full pension in the light of resolution issued by the Finance Department, Government of Bihar, Patna as contained in Memo No.50(F) dated 15.01.2016 which provides that full pension shall be payable to those employees who have completed 20



years of service and retired between 01.04.2007 and 23.09.2009.

3. There is no dispute to the fact that the petitioner no. 1 was appointed on the post of Village Level Worker and submitted his joining on 04.06.1977 and retired on 31.01.2008 from Nalanda whereas the petitioner no. 2 was appointed on the post of Village Extension Worker and had joined on 28.09.1978 and subsequently retired on 31.07.2009 from Nalanda.

4. Admittedly, both the petitioners had completed more than 20 years of service prior to their retirement, but had not completed 33 years of service.

5. As per earlier circular of the Finance Department, Government of Bihar, employees were entitled for full pension after completion of their service for the period of 33 years. However, subsequently, the Finance Department, Government of Bihar issued a fresh circular as contained in Memo No.819 dated 23.09.2009 whereby those employees, who had completed service of 20 years and retired between 01.04.2007-23.09.2009 were also entitled to get full pension.

6. Respondent nos. 3 to 7 have filed their counter affidavit. Learned counsel for respondent nos. 3 to 7 has drawn my attention towards para 6 to 8 of the counter affidavit



which reads as under:-

“6. That as per claim of the petitioners their pension has been fixed on the basis of earlier circular after retirement on 31.01.2008 and 31.07.2009, which fall within the prescribed period such as in between 01.04.2007 to 23.09.2009 as contemplated in the revised circular vide memo no.819 dated 23.09.2009 as well as memo no.50 dated 15.01.2016 and hence they are entitled to get benefit of full pension.

7. That in view of the facts as stated above service books along with require pension format related to the petitioners were sent to the Auditor General, Bihar, Patna for re-fixation of their pension vide letter no.2765 dated 01.12.2020 issued by the respondent no.6.

8. That it is made clear here that fixation of pension and benefit of revised pay scale are made by the officer of Auditor General, Bihar, Patna and for that proposal in prescribed format have been sent by the respondent no.6 and after sanction the same will be provided to the petitioners.”

7. Though, the Accountant General, Bihar has not been impleaded as a party in the instant writ petition, in



view of the stand taken by the respondent-State, I am of the opinion that no useful purpose would be served by keeping the writ petition pending for seeking response of the Accountant General.

8. Accordingly, the writ petition is disposed of with a direction to the petitioners to file their respective representations before the learned Accountant General, Bihar, Patna within a period of two weeks for re-fixation of their pension.

9. In case, such representations are filed, the Accountant General, Bihar, Patna shall be required to look into the matter and do the needful in accordance with law expeditiously and preferably within a period of four weeks from the date of filing of such representations.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2021
Transmission Date	NA

