

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6496 of 2020**

---

1. Ratan Kumar Chatterjee, S/o Gauri Shankar Chatterjee, Resident of New Colony, Choti Khanjapar, District Bhagalpur.
2. Md. Shamim Ahmad, S/o Md. Jalil Ahmad, Resident of Village Ganichak, P.O. Bhagalpur Ciry, P.S. Muahidpur, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
2. The Director Agriculture, Bihar, Patna.
3. The Deputy Director, Agriculture, Bihar.
4. The Collector, Bhagalpur.
5. The District Agriculture Officer, Bhagalpur.
6. The Senior Deputy Collector (Establishment), Bhagalpur.

... .. Respondent/s

---

**Appearance :**

For the Petitioner/s : Mr. Amarendra Narayan, Advocate  
For the Respondent/s : Mr. Gajendra Prasad Yadav (SC-17)

---

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 17-12-2021**

Heard learned counsel for the parties.

2. In the instant petition, the petitioners have prayed for the following reliefs:

“That this petition is being filed for issuance of writ of appropriate nature, order or direction commanding respondents to grant and allow benefit of old pension scheme to the petitioners, instead of Contributory Provident Fund Scheme, as stipulated in letters contained in memo no. 511 dated 24.4.2017 & memo no. 512 dated 24.4.17. Petitioners having been appointed on advertisement dated 25.1.1991 should be governed under the prevailing new pension scheme, under Bihar Pension Rules, and not under the



contributory pension scheme brought in 2005. The petitioners therefore pray for quashing those parts of these memos under reference above under which the new Contributory Pension Scheme vide Resolution no. 1964 dated 31.08.2005 is said to be applicable on them.

The petitioners also pray for an order commanding respondents to pay salary and allowances to the petitioners for the period they remained under training prior to their substantial posting on 27.4.17 and for treating the period spent in training as part of their service period.”

3. Short question for consideration is whether the petitioners are entitled to pension and other benefits with reference to which scheme. In this regard, petitioners’ representation followed by reminders are pending consideration (Annexure-14 Series).

4. Therefore, the concerned respondent is hereby directed to take a decision on the petitioners’ grievance and redress the same within a period of three months from the date of receipt of copy of this order.

5. The writ petition stands disposed of.

**(P. B. Bajanthri, J)**

uday/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 21.12.2021 |
| Transmission Date | NA         |

