

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.422 of 2019

In
Civil Writ Jurisdiction Case No.11985 of 2018

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Md. Allauddin @ Allauddin Son of Late Sanichar Mian Resident of Village-
Kutubpur, Police Station Mathurapur, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, the Department of Food and civil Supplies Bihar, Patna.
2. The Chairman cum Managing Director Civil Supplies Corporation, Sone Bhawan, Veer Chand Patel Patha, Patna.
3. The District Manager Bihar State Food and Civil Supplies Corporation, Saharsa.
4. The District Manager Bihar State Food and Civil Supplies Corporation, Khagaria.
5. The District Provident Officer Khagaria.
6. The District Treasury Officer Khagaria.
7. The Accountant General, Bihar Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 04-09-2021

Re: I.A. No. 1 of 2019

The instant Interlocutory Application has been filed



for condonation of delay of about **56 days** in filing the present appeal.

For the reasons assigned, we condone the delay in filing the appeal and the same is treated to have been filed within time.

Interlocutory Application No. 1 of 2019 stands allowed.

Re: L.P.A. No. 422 of 2019

Petitioner lays challenge to the impugned judgment dated 19th of December, 2018 passed by a learned Single Judge of this Court in CWJC No. 11985 of 2018, titled as Md. Allauddin @ Allauddin @ Allaudeen Miyan Vs. The State of Bihar & Ors.

The learned Single Judge has rejected the appellant's claim for pension, relying upon the decision dated 1st of November, 2018, rendered by a Full Bench of this Court in **CWJC No. 13495 of 2008**, titled as **Harishankar Prasad Vs. The State of Bihar**.

Pension is a matter of right flowing only through the statutory provisions, and there being no provision for the respondent Corporation for payment of pension to its employees, the learned Single Judge rightly dismissed the writ



petition.

We do not find any illegality and infirmity or reasons sufficient enough to interfere with the impugned judgment, more so in view of the law laid down by the Hon'ble Apex Court in the case of **Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others, (2015) 9 SCC 1.**

The Letters Patent Appeal stands dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
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