

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.44 of 2021

In
Civil Writ Jurisdiction Case No.14254 of 2011

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Motichand Yadav, Son of late Gangadhar Yadav, resident of Badalpura, P.S.
Khagaul, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar, through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Home (Police) Bihar, Patna.
3. The Principal Secretary, Finance, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Addl. Director General, Military Police, Bihar, Patna.
6. The D.I.G. (General Administration) Govt. of Bihar, Patna.
7. The Samadeshth, B.M.P. 16, Phulwari Sarif, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ram Hriday Prasad, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (A.G.)
		Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 27-05-2021

I.A. No. 01 of 2021

This interlocutory application filed under Section 5 of limitation Act for condoning the delay of 5 years 355 days in filing L.P.A. against the order dated 20.10.2014 passed by the learned Single Judge of this Hon'ble Court passed in C.W.J.C. No. 14254 of 2011.

This Court does not find that sufficient cause and



explanation has been shown for condonation of inordinate delay of 5 years 355 days in filing L.P.A. against the order passed by the learned Single Judge, as such, the application for condonation of delay is rejected as a consequence of which L.P.A. No. 44 of 2021 is dismissed.

L.P.A. No. 44 of 2021

This Court has also examined the case of appellant on merit and is in agreement with the view expressed by the learned Single Judge that Rule 87 of Bihar Pension Rule is applicable in cases of employees who have served armed forces for computation of qualifying service for grant of pension and appellant having not exercised his option within three months of joining the service of Government of Bihar nor he deposited the gratuity amount in the prescribed period, as such, he was not entitled for computation of his past service rendered in Indian Navy for purpose of computation and payment of pension by the Government of Bihar.

This Court also concurs with the finding recorded by Single Judge with respect to Circular dated 01.06.2005 issued by Finance Department that same relates to the employees working within the State Government and benefit of said circular cannot be extended to the employees joining the State



Government coming from other than State Service.

L.P.A. stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

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

