

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4617 of 2021**

=====

Rajendra Mishra Son of Late Ram Sihasan Mishra Resident of Village- Badd,  
P.O.- Badd, Police Station- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar Patna.
2. The Additional Chief Secretary Bihar Patna.
3. The Director Integrated Child Development Service, Indira Bhawan, 2nd Floor, Boring Canal Road, Patna.
4. The Collector Bhojpur, Ara.
5. The District Programme Officer Integrated Child Development Service, Bhojpur, Ara.
6. The C.D.P.O., Sahar Bhojpur.
7. The Accountant General Bihar, Veerchand Patel Marg, Patna.
8. The Treasury Officer Ara, Bhojpur.

... .. Respondent/s

=====

with

**Civil Writ Jurisdiction Case No. 5004 of 2019**

=====

Rajendra Mishra Son of Late Ram Sihasan Mishra Resident of Village-Badd,  
P.O.-Badd, Police Station-Karakat, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary General Administration Bihar Patna
2. The Director, Integrated Child Development Service, Indira Bhawan, 2nd Floor, Boring Canal Road, Patna.
3. The Collector, Bhojpur at Ara
4. The Deputy Development Commissioner (D.D.C.), Bhojpur
5. The Treasury Officer, Bhojpur
6. The C.D.P.O., Sahar, Bhojpur
7. The Special Work Officer, District Confidential Division, Bhojpur, Ara
8. The District Program Officer, Bhojpur, Ara.

... .. Respondent/s

=====

**Appearance :**

(In Civil Writ Jurisdiction Case No. 4617 of 2021)

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate  
Mr. Ashish, Advocate



For the Respondent/s : Mr. Gyan Prakash Ojha, (GA 7)  
Mr. Abhishek Singh, (AC to GA 7)  
(In Civil Writ Jurisdiction Case No. 5004 of 2019)  
For the Petitioner/s : Mr. Rajib Ranjan Jha, Advocate  
For the Respondent/s : Mr. Gyan Prakash Ojha, (GA 7)

---

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 20-12-2022**

Heard Mr. D.K. Sinha, learned senior counsel appearing on behalf of the petitioner and Mr. Gyan Prakash Jha, learned GA 7 for the State.

The present writ application has been filed seeking a direction upon the respondents to ensure the payment of revised pension, group insurance, gratuity, GPF, earned leave encashment as well as other retiral benefits to the petitioner who has been superannuated on 29.02.2020 and for payment of statutory as well as penal interest.

It is the case of the petitioner that he was appointed on the post of Assistant in Biscomaun Rice Mill Project, Bikramganj, Rohtas on 31.01.1985. While he was working in the Biscomaun, he was sent on deputation in the I.C.D.S. Directorate under Welfare Department vide Memo No. 7309 dated 06.12.1996. As the employees of Biscomaun were sent on deputation on similar post and similar pay-scale, they were forced to accept lower post and lower pay-scale. The association of employees of Biscomaun filed CWJC 10016 of 2007 and the same was disposed off on 06.04.2011 with a direction to the respondent to pass necessary



order of absorption. Thereafter, the petitioner was absorbed in the I.C.D.S. Directorate on the post of Assistant on 29.07.2013.

In the present matter, various counter affidavits and rejoinder to the counter affidavits have been filed by the respective parties.

Finally, an Interlocutory Application, bearing IA No. 02 of 2022, has been filed in CWJC No. 4617 of 2021 by the learned counsel for the petitioner seeking quashing of the order as contained in Memo No. 379 dated 02.11.2020, Memo No. 381 dated 16.12.2021, letter No. 524 dated 04.11.2022 and Memo No. 369 dated 07.11.2022, whereby, the claim of the petitioner for old pension scheme has been negated.

After some argument, learned senior counsel submits that vide order dated 06.12.2022 passed by this Court, the Interlocutory Application was allowed, however, till date no counter affidavit has been filed. It is further submitted that if the claim of the petitioner as raised in the Interlocutory Application would be considered by the Principal Secretary, Welfare Department, Government of Bihar, in the light of the judgment/order passed by the Hon'ble Apex Court as stated therein, the petitioner would be satisfied.



Considering the submissions made on behalf of the parties, the present writ petition stands disposed off with a direction to the Principal Secretary/Additional Chief Secretary, Social Welfare Department to consider the grievance of the petitioner in terms of the prayer made in the Interlocutory Application bearing I.A. No. 02 of 2022.

It is needless to say that the respondent No. 2 would be obliged to give opportunity of hearing to the petitioner and after considering all the materials brought on record by way of Interlocutory Application No. 02 of 2022, shall pass a reasoned and speaking order preferably within a period of eight weeks' from the date of receipt/production of a copy of this order.

Accordingly, the present writ petition stands disposed off.

**(Harish Kumar, J)**

shivank/-

|                   |             |
|-------------------|-------------|
| AFR/NAFR          | NAFR        |
| CAV DATE          | NA          |
| Uploading Date    | 21.12.2022. |
| Transmission Date | NA          |

