

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4840 of 2020

1. Ram Narayan Singh, aged about 54 years, male, S/o Ram Lakhan Singh R/o Vill.- Basadhiya, P.S.- Dalsingh Sarai, Dist.- Samastipur.
2. Narendra Prasad Singh aged about 54 years, male, S/o Girjanandan Prasad Singh R/o Vill.- Sohaddi, P.S.- Shekhpura, Dist.- Shekhpura.
3. Kumar Vimal Mukh, aged about 47 year, male, S/o Kailash Singh R/o Vill.- Nousahara Chack, P.S.- Ghosi, Dist.- Jahanabad.
4. Dhananjay Prasad Singh, aged about 50 years, male, S/o Kameshwar Prasad Singh R/o Ward No. 7, Kashipur, P.S.- Kashipur, Dist.- Samastipur.
5. Sundar Lal aged about 41 years, male, S/o Rohan Dusadh R/o Vill.- Kanti, P.S.- Kanti, Dist.- Muzaffarpur.
6. Lalita Kumari , aged about 44 years, female, W/o Ram Narayan Singh R/o Vill.- Basadhiya, P.S.- Dalsingh Sarai, Dist.- Samastipur.
7. Vijay Singh ,aged about 53 years, male, S/o Ram Pravesh Singh R/o Vill.- Baigwan, P.S.- Bikram, Dist.- Patna.
8. Raj Kishor Sah, aged about 43 years, male, S/o Ram Deo Sah R/o Vill.- Malpur, P.S.- Singhara, Dist.- Vaishali.
9. Manoj Kumar Singh aged about 48 years, male, S/o Ram Swarup Singh R/o Ward No. 9, Harna, P.S.- Rampur Chouram, Dist.- Arwal.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Finance Dept. Govt. of Bihar, Patna.
3. The Principle Secretary General Administration Dept, Govt. of Bihar, Patna.
4. The Accountant General Bihar.
5. The District Magistrate Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad SC-8

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-07-2022

This matter has been taken up for consideration online.

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



3. On 03-06-2020, the petitioner No-7 has been transferred from Muzaffarpur to Patna Collectorate. The learned counsel for the petitioners submits that it is, in this circumstance, that I.A. No. 1 of 2021 has been filed. The prayer is that the District Magistrate, Patna may also be a party to the instant proceedings in view of this development.

4. The I.A. No. 1 of 2021 is allowed.

5. Let the District Magistrate, Patna be impleaded as Respondent No.6 and necessary addition, in this regard be carried out by the office in the cause title.

6. The matter has been listed on the basis of a motion slip filed with the consent of the State counsel that the matter be disposed of in terms of order dated 07-05-2018, passed in CWJC No. 19612 of 2015. The order in the said case has been passed in view of the fact that the petitioners claiming benefit of the old pension scheme which was abolished w.e.f. 01-09-2005. The petitioners had raised a grievance that the selection process was initiated based on an advertisement in the year 1998 and had unnecessary been protracted by the State authorities. The, petitioners, therefore, could not be deprived of benefits under the old pension Scheme.

7. In view thereof, relying on decision passed in CWJC



No. 13797 of 2016, this court has passed the following order:-

4 It is submitted that the delay cannot be attributed to the petitioners as delay has occurred due to the respondent-authorities. Thus, the petitioners cannot be denied benefit of Old Pension Scheme. They have relied upon the judgment passed by this Court in the case of Pramod Kumar & Others -Versus- State of Bihar & Others decided recently under order dated 03.04.2018 passed in CWJC No 13797 of 2016.

5. Since the matter, under identical circumstances as the petitioners, is said to have been decided in the said case, the petitioners also cannot be deprived of the benefit of Old Pension Scheme for delay having been occasioned on the part of the respondents in completing the selection process, even though the process has been initiated much prior to the withdrawal of the Old Pension Scheme.

6 This Court does not consider it appropriate to keep the writ petition pending. The same is disposed of with a direction to respondent No 2 to examine the case of the petitioner and if he finds that the case of the petitioners is identical to those of the petitioners of CWJC No 13797 of 2016 then similar benefit has to be granted to the petitioners of this case also as has been directed in the case of Pramod Kumar (supra).

7 Let respondent No 2 take a final decision with respect to the claim of the petitioner within a period of three months from the date of receipt/production of a copy of this order.

8 The writ petition is disposed of with the aforesaid direction.”

8. Since the parties are in agreement that the instant case may also be disposed of in terms of the said order, this Court would dispose of the instant application in terms of the order



dated 07-05-2018 passed in CWJC No. 19612 of 2015, extract
of which has been noted above.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-07-2022
Transmission Date	

