

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2598 of 2017

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Rajani Kant Kushwaha S/o late Ram Singhasan Prasad Retired In-Charge
Head Clerk, District Rural Development Authority, Bhojpur, Arrah, Resident
of Mohalla P.S.-Nawada, P.O.- Arrah, Distt- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Special Secretary, Rural Development Deptt, Govt. of Bihar, Patna.
3. The Deputy Secretary, Rural Development Deptt. Govt. of Bihar, Patna.
4. D.R.D.A. Bhojpur, Arrah through the Deputy Development Commissioner, Bhojpur, Arrah.
5. The Director Accounts, D.R.D.A. Bhojpur, Arrah Namely Mr. Rajesh Kumar.
6. The Principal Secretary, Deptt. of Finance, Govt. of Bihar, Old Secretariat, Patna.
7. Secretary (Expenditure), Deptt. of Finance, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avanindra Kumar Jha, Adv.
For the Respondent/s	:	Mr. Sriram Krishna, AC to SC-11 Mr. Shudhanshu Bhushan, AC to GP-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

31 25-07-2022 Though the present writ petition was filed
for grant of post retiral benefits to the petitioner,
however, during the course of hearing, it has
transpired that though the Rural Development
Department vide resolution dated 5.3.2019 has
directed for absorption of the services of the
petitioner with effect from the date of filing of the



writ petition, however, it has been categorically stipulated therein that the petitioner and other similarly situated employees would not be entitled to grant of any benefits / outstanding benefits / consequential benefits as also they would not be entitled to any benefit of their past services. It has also transpired that the Finance Department vide resolution dated 2.2.2018 has also precluded such employees as the petitioner from being granted any retiral benefits.

This Court finds that since the present writ petition has primarily been filed for directing the respondents to grant retiral benefits to the petitioner, considering him to be an employee of the State Government right from the date of his appointment in Sone Commandant Area Development Agency, Patna i.e. 24.5.1980, this Court is not in a position to grant any such benefit to the petitioner till the aforesaid resolutions of the State Government dated 5.3.2019 and 2.2.2018 are annulled by competent Court of law.

In such view of the matter, the learned



counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid resolutions dated 5.3.2019 and 2.2.2018, by filing a wholesome fresh writ petition as also seeks liberty on behalf of the petitioner to again approach this Court for grant of retiral dues in case, the writ petitioner succeeds in his challenge to the said resolutions of the State Government. Liberty, so sought, is granted.

At this juncture, the learned counsel for the petitioner has submitted that the aforesaid resolution dated 2.2.2018 is not applicable in the case of the petitioner. It is needless to state that the said issue shall be decided in the writ petition, to be filed by the petitioner.

Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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