

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3912 of 2021

=====

Hari Narayan Singh Son of Late Judavan Singh Resident of Village - Kasim
Chak Ward No. 1, Post Office - Belhor, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

This matters heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. State counsel accepts notice for respondents.

3. Petitioner's counsel is hereby directed to serve a
copy of the petition to the State counsel within a period of one
week from today.

4. In the instant petition, the petitioner has prayed for
the following reliefs:

“For issuance of a Writ in the nature of
Mandamus directing and commanding the
respondents authority to counting part service of
the petitioner for determination of pension rendered
in Office of Sub Divisional Education Office, Sadar



Arrah (now became D.E.O. Office) as Cycle Porter, from year 1960 to 30/3/1978 and after dissolution, appointed as Peon vide letter No. 750 dated 25.6.1979 by Director (Adult Education), Bihar, Patna and retired on 31.12.1998 but his service rendered from 30.5.1960 to 30.3.1978 not counted for pension and only counted from 25.6.1979 to 31.12.1998 due to the full pension was not granted and further direction to paid the difference of amount after counting the service with statutory interest and or pass appropriate order or orders as deem fit and proper.”

5. The petitioner has attained the age of superannuation and retired from service on 31.12.1998. His grievance is that service rendered by him from 30.5.1960 to 30.3.1978 is required to be counted for the purpose of pension and retiral benefits. Further difference of pension shall be calculated and disbursed alongwith interest.

6. The concerned respondent is hereby directed to examine the petitioner’s representation in the light of relevant executive order/rules by which the service of the petitioner could be counted prior to 30.3.1978. If any statutory rule or executive order is in vogue for the purpose of counting service, in that event, petitioner’s service particulars shall be examined as to whether the petitioner’s service rendered from 30.5.1960



to 30.3.1978 could be counted for the purpose of extending pension or not. If the petitioner is eligible, in that event, necessary orders shall be passed while calculating the arrears of pension and disburse the same along with interest @ 8 per cent per annum. The petitioner is entitled to interest only from 2018 i.e. prior to 3 years of filing of the present writ petition in the light of Apex Court decision in the case of *M.R. Gupta vs Union of India*. If the petitioner is not entitled to count the aforesaid period service towards pension, in that event, necessary speaking order shall be passed and communicate to the petitioner.

7. The above exercise shall be completed within a period of two months from the date of receipt of this order, failing which the petitioner is entitled to litigation cost and it is quantified at Rs. 10,000/-.

8. With the aforesaid, the writ application stands disposed of.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2022
Transmission Date	NA

