

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1730 of 2023

=====

Nandlal Ram S/o Babu Lal Ram R/o Vill.- Sadpura, P.S.- Kazi
Mahammadpur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.
6. The Accountant General, Bihar, Patna.
7. The District Magistrate, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Dhurendra Kumar, AC to GP- 5
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 31-08-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that
the instant matter be disposed of in terms of order dated 07-
05-2018, passed in *C.W.J.C. No. 19612 of 2015*. In the said
case petitioners were claiming benefit of the old pension
scheme, since their process of selection and recommendation
for selection was of a date much prior to abolition of the old



pension scheme on 01-09-2005. Since the delay in their appointment was attributable to the authorities this Court had passed the following order in C.W.J.C. No. 19612 of 2015 :-

“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."

3. In the instant case also the petitioner is claiming the same benefits granted to petitioners of **C.W.J.C. No. 19612 of 2015**. They claim that their process of appointment/recommendation was prior to coming into force of the New Pension Scheme. Petitioners therefore, cannot be deprived of benefits of the Old Pension Scheme due to delay attributable to the respondents.

4. Since the parties are in agreement that the instant case may also be disposed of in terms of the said order, this Court does not consider it appropriate to keep the writ petition



pending. The same is disposed of with a direction to the Principal Secretary, Finance Department, Government of Bihar, Patna (respondent No. 2) to examine the case of the petitioner and if he finds that the case of the petitioner is identical to those of the petitioners of *C.W.J.C. No. 13797 of 2016* then similar benefit has to be granted to the petitioner of this case also as has been directed in the case of *Pramod Kumar* (supra).

5. 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.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20-9-2023
Transmission Date	N/A

