

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8303 of 2021

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Jyotindra Kumar Jyoti Son of Shri Girwar Nandan Prasad Resident of Ward
No. -9, Bathaul, Baraipura, Chhorahi Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Chairman, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
4. The Managing Director, Bihar State Housing Board, 6 Sardar Patel Marg, Patna.
5. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
6. The Executive Engineer, Patna Division - 41, Bihar State Housing Board, Hanuman Nagar, Kankarbagh, Patna.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, (AG)
For the Housing Board	:	Mr. Pawan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-01-2023 Heard learned counsel for the petitioner, counsel for

the Bihar State Housing Board and learned counsel for the

respondents.

The present Writ application has been filed by the
petitioner for the following relief(s) :-

i. *For issuance of order(s) / direction(s) or
writ(s) in the nature of Mandamus directing the
respondents for fixation of pension as well arrears of full
pension to the petitioner with retiral benefits including*

gratuity and EPF amount, in terms of, revised pay scale on the basis of recommendation by the 6th pay commission as adopted by the respondent Board.

ii. For issuance of an order(s) / direction(s) or writ(s) in the nature of contained in memo no. 3660 dated 29.05.2014 with effect from 01.08.1981 to the petitioner without any further delay as the respondent authorities have granted benefit to other similarly situated employees.

iii. For issuance of further order(s) / direction(s) or writ(s) in the nature of Mandamus directing the respondents to modify the office order as contained in memo no. 628 dated 07.02.2020 to give benefit to the Petitioner from retrospective effect as the service of the petitioner has already been regularized in recognizance of his fundamental rights as under article 14, 16 and 21 of constitution of India.

iv. For issuance of further order(s) / direction(s) or writ(s) in the nature of Mandamus directing the respondents to consider the case of the petitioner which is identical to Shri Arun Kumar Mishra' case and the respondent Board issued the order contained

in Memo no. 67 dated 08/01/2018 giving retrospective benefit to one Arun Kumar Mishra. And/or

v. A direction be issued upon the respondent authorities, each one of them, their servants and/or subordinates and/or agents to forthwith produce and/or caused to be produced the entire records relating to the Petitioner's case including the service book of the petitioner and on such production being made, render conscionable justice upon perusing the same; And/or

vi. For issuance of any further order(s) / direction(s) or writ(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case.

Learned counsel for the petitioner submits that petitioner was appointed provisionally on the post of Store Keeper on 01.08.1981 and subsequently absorbed on the post of Store Keeper vide order contained in Annexure P-1 series. He submits that services of the petitioner and one Arun Kumar Mishra were absorbed from the same letter dated 13.02.2014. Subsequently, the said Arun Kumar Mishra moved before this Hon'ble Court in CWJC 14430 of 2016 to whom benefits of 6th Pay Revision Commission Revision and others were made

retrospective date, which is Annexure P-4.

He submits that in the light Bihar State Litigation Policy, it is the stand of the State that similarly situated persons shall be treated similarly, whether moved before the Court or not.

He further submits that he has filed writ petition to grant the benefits to him also, like the case of Arun Kumar Mishra but his case was not considered.

Vide order dated 04.11.2022, a clear cut direction was made to respondent that the case of petitioner should also be considered as like that of other similarly situated persons. But no counter affidavit filed on 12.12.2022, two weeks further time was granted, again today no counter affidavit filed by the counsel for the petitioner. Learned counsel for the respondent requested to fix this case on 2.15 pm today. On his request, this case was fixed on 2.15 pm. He has placed a copy of Memo no. 187 dated 09.01.2023 in which office order has been issued in favour of the petitioner, in which Respondent Board has taken a stand that petitioner is also entitled to receive 6th Pay Revision Commission with other retrospective benefit as like that of Arun Kumar Mishra case. Counsel for Board further submits that all petitioner's dues shall be paid within 4 weeks today.

This Court has granted 8 weeks time to the respondent Board to clear the said dues and ensure all his retiral dues within said period.

If the said payment shall not be made within 8 weeks from today, 9% interest shall be charged on the payment.

With this direction, this Writ petition is hereby disposed.

(Dr. Anshuman, J.)

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