

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7116 of 2022

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Ajeet Kumar S/o AlakhNiranjan Kumar Sinha, resident of Road No.-01,
Railway Gumti, B.B. Ganj, Chitrakut Nagar, Bhagwanpur, P.S.-Sadar Thana
Muzaffarpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
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 Department of Law through Secretary, Government of Bihar, Patna.
5. The Secretary Department of Law, Government of Bihar, Patna.
6. The Civil Court Muzaffarpur thorough Registrar, Civil Court, Muzaffarpur.
7. The District and Sessions Judge, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Shekhar Kumar Prasad, Adv. Mr.Abhay Shankar, Adv.
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA-7 Mr.Ajit Kumar, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-12-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1. That the instant application is being filed
against the unfair and unreasonable action of
respondents whereby and whereunder petitioner
has been subjected to a contributory Pension
Scheme which came into force Vide Finance
department, Government of Bihar memo No.
1964 dated 31.08.2005. The said action of
Respondents bears no reasonable justification as
petitioner who has been appointed against the*



advertisement Published in the year 2003 but because of the delay of almost 3 years caused by the Respondents in making appointments against the said advertisement, the petitioner has been subjected to a contributory pension scheme which came into force subsequent to the commencement but in the midway of selection process in which petitioner has been appointed. Being aggrieved with the illegal, unfair and arbitrary action of Respondents petitioner is praying for following relief(s) before this Hon'ble Court:

a) To issue appropriate writ holding that the finance department memo no. 1964 dated 31.08.2005 is illegal to the extent it relates to the fixation of cut off date for the purposes of application of contributory pension scheme on the basis of "date of appointment". In short petitioner humbly prays that the contributory pension scheme be not applied to the petitioner who has been appointed against the advertisement issued prior to the cut off date fixed vide abovesaid finance department memo no. 1964 dated 31.08.2005.

b) To issue an appropriate writ(s) directing respondents' to provide the benefit of old pension scheme instead of contributory pension scheme to the petitioner as the contributory pension scheme has been introduced during the midway of the selection process against which petitioner



has been appointed. In furtherance of this it is humbly prayed that this Hon'ble Court may please in holding that the Finance department memo no. 1964 dated 31.08.2005 has application upon the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks to rely upon the following two judgments to buttress the case of the petitioner:-

(I) Judgment dated 03.08.2011, passed in C.W.J.C. No.10901 of 2006 (Md. Kayumuddin Ansari and Ors. vs. State of Bihar and Ors.)

(II) Judgment dated 11.02.2016, passed in C.W.J.C. No.20654 of 2010 (Raj Narayan and Ors. vs. State of Bihar and Ors.)

3. The learned counsel for the petitioner submits that the Additional Chief Secretary, Finance Department, Government of Bihar, Patna, be directed to decide the case of the petitioner for grant of the benefits of the Old Pension Scheme in light of the aforesaid two judgments rendered by co-ordinate Benches of this Court i.e. those rendered in the case of Md. Kayumuddin Ansari (supra) and Raj Narayan and Ors. (supra).

4. Having regard to the limited prayer made by the



petitioner in the present case, I deem it fit and proper to grant liberty to the petitioner to file appropriate representation, before the Additional Chief Secretary, Finance Department, Government of Bihar, Patna, within a period of two weeks from today, which shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, within a period of six weeks, thereafter.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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