

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18025 of 2015

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Shyamdeo Prasad Yadav son of Late Mahabir Yadav resident of village -
Salaiya, P.O. P.S. Barhat, District - Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Social Welfare Department Govt. of Bihar, Patna.
3. The Joint Secretary Social Welfare Department Govt. of Bihar, Patna.
4. The Director, Integrated Child Development Service, Bihar Indira Bhawan,
2nd Floor, Boring Canal Road, Patna.
5. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
6. The Principal Secretary, General Administration Department, Main
Secretariat, Patna.
7. The District Magistrate, Khagaria.
8. The Programme Welfare Officer, Khagaria.
9. The Child Development Project Officer, Beldour, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Ranjan, Adv.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13
Mrs. Sunita Kumari, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 06-10-2023

The present writ petition has been filed seeking the
following reliefs:-

“1(i). For quashing that portion of the resolution
as contained in memo no. 3803, dated
29.07.2013, issued by joint Secretary, Social



Welfare Department Govt. of Bihar, Patna and consequential order contained in memo no. 4547 dated 5.9.13, issued by the Director, Integrated child Development Scheme, Bihar, Patna by which introducing the new pension scheme treating the absorption as fresh appointment against the lower post than the post held by him while on deputation in a lower pay scale in utter violation of the specific direction of this Hon'ble court contained in the judgment and order dated 6.4.11 passed in C.W.J.C.No. 10016 of 2007 as well as the common judgment and order dated 19.4.2010 passed in LPA No. 608 of 2006 and other analogous cases.

(ii). For issuance of direction to respondents to grant the benefit of permanent absorption with all consequential benefits of a regular government employee from the date of deputation for purpose of pensionary benefits such as to make payment of pension alongwith penal interest to the petitioner as per order of the Division Bench, passed in LPA No. 608/2006 and other analogous cases.”

2. At the outset, the learned counsel for the parties are in agreement that the present case is squarely covered, by a judgment dated 20.8.2018, passed by a coordinate Bench of this Court in the case of *Chanarik Baitha vs. The State of Bihar &*



Ors. (CWJC No. 6834 of 2017), hence, it is submitted that the present writ petition be disposed off in terms of the aforesaid judgment dated 20.8.2018.

3. Having regard to the express agreement arrived at between the parties, I deem it fit and proper to dispose off the present writ petition in terms of the aforesaid judgment dated 20.8.2018, rendered in the case of *Chanarik Baitha* (supra) and direct that the petitioner shall also enure similar benefits, as have been granted to the aforesaid writ petitioner, namely, *Chanarik Baitha*.

4. Accordingly, the impugned order dated 29.7.2013, issued by the Joint Secretary, Social Welfare Department, Government of Bihar, Patna and the consequential order dated 5.9.2013, issued by the Director, Integrated Child Development Scheme, Bihar, Patna, are quashed.

5. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.10.2023
Transmission Date	NA

