

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.784 of 2018

In
Civil Writ Jurisdiction Case No.23859 of 2013

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1. The State Of Bihar Through Secretary, Department of Rural Development, old Secretariat, Patna.
 2. The Secretary, Department of Rural Development Gramin Karrag Vibhag, Old Secretariat, Patna.
 3. The District Magistrate/Collector, Darbhanga.
 4. The Deputy Collator Establishment, Darbhanga Collectorate, Darbhanga.
 5. The Executive Engineer, Local Area Engineering Prganization, Works Division-II, Benipur, P.S.-Baher

... .. Appellant/s

Versus

Satish Chandra Jha Son of Late Upendra Nath Jha, Resident of Village-Sonpur, P.S.- Rosera, Distirct - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rishiraj Singh, SC 19 Mr. Saurabh Kumar, AC to SC 19
For the Respondent/s	:	Mr. Binod Kumar Sinha, Advocate Mr. Ajay Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-01-2023

Re: I.A. No. 3 of 2022

Heard I.A. No. 3 of 2022 for condonation of delay in
filing present L.P.A.



2. For the reasons stated in the application and affidavit, delay of 104 days in filing L.P.A. is condoned. I.A. No. 3 of 2022 stands allowed.

3. Heard learned counsels for the respective parties.

4. Short question for consideration in the present *lis* is whether respondent is entitled to count his service from 27.05.1981 till 30.11.1989 towards retiral and other service benefits or not?

5. Initially, respondent was appointed under the scheme called NREP. Thereafter, he was adjusted with the Rural Works Department from 30.11.1989 onwards. In this backdrop, the learned Single Judge has not appreciated the issue as to the policy decision of the State Government with regard to such of those persons who were working as Junior Accounts Clerk in the then NREP and whose services have been taken in the Rural Works Department. Even to this day none of the parties have apprised this Court relating to policy decision of the State Government that relates to counting of service rendered in the NREP scheme could be counted for the purpose of retiral benefits and other service benefits or not? In this regard, the State Government/competent authority is hereby directed to take a decision as to how to count the services from 27.05.1981 to 30.11.1989. If there is any policy



decision, in that regard speaking order shall be passed and communicated to the respondent as to whether he is entitled or not? If there is no scheme is existing as on today, the concerned respondent/Government is hereby directed to take a policy decision in respect of service condition for the aforesaid intervening period and the nature of appointment initially and thereafter adjusting him in the Rural Works Department.

6. Such decision shall be taken up by the concerned respondent/Government within a period of three months from the date of receipt of this order and communicate the decision to the respondent.

7. To the above extent order of the learned Single Judge is modified and the L.P.A. is disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2023
Transmission Date	NA

