

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2232 of 2023

Ram Bilas Mehtar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate
For the Respondent/s	:	Mr. Vivekanand Amritesh, Advocate
For the University	:	Mr. Indrajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 29-01-2024 Heard Mr. Subodh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Indrajesh Kumar, learned counsel for the B. R. Ambedkar University. The State is represented by Vivekanand Amritesh.

2. In compliance of the order of this Court a counter affidavit has been filed on behalf of the respondent State, the same is taken on record.

3. Learned counsel for the university by referring to the counter affidavit filed on behalf of the university submits that though the petitioner was appointed pursuant to the letter dated 25.01.1978 issued under the signature of the Principal, Sri Lakshmi Kishori College, Sitamarhi, the services of the petitioner was regularized vide office order contained in memo no. B/1794 dated 26.08.2006.



4. He further submits that since the Old Pension Scheme was discontinued in the year 2004 and was replaced by New Pension Scheme and thus, the claim of the petitioner shall not be covered by the Old Pension Scheme. The New Pension Scheme is yet to be implemented in the universities of Bihar, hence the petitioner as such, is not entitled for any benefit under the Old Pension Scheme.

6. In the present situation, the respondent university has also requested to the State Government to take a final decision in the matter of implementation of New Pension Scheme. Unless such a decision is taken, learned counsel for the university submits that the petitioner is only entitled to get the benefit of earned leave as sanctioned by the university and no retiral benefit(s) including pension and gratuity shall be accorded.

8. He further clarified that so far the admissible leave encashment is concerned, the same has already been paid to the petitioner.

9. Considering the nature of the grievance and the materials available on record, this Court thinks it proper to dispose of the writ petition with a direction to the respondent State of Bihar to take a final decision in the matter of



implementation of New Pension Scheme to the employees whose services were regularized after coming into force of New Pension Scheme.

10. The aforesaid exercise must be completed preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

11. In case such a decision is taken within the stipulated period, the petitioner shall be accorded all the benefits accruing on account of such decision within a further period of 8 weeks thereafter, in accordance with law.

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

