

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.187 of 2021

In

Civil Writ Jurisdiction Case No.5551 of 2017

Amrendra Singh Son of Late Chandeshwar Prasad Singh resident of Ram Krishna Prasad Path, Kadamkuan, Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. National Highways Authority of India through its Deputy General Manager (HR/Admn. - 11) Ministry of Road Transport and Highways G- 526 Sector 10 Dwarka, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Sr. Adv.
	:	Mr. R. N. Singh, Sr. Adv.
	:	Ms. Akriti Aishwarya, Adv.
	:	Mr. Rohit Kumar, Adv.
	:	Mr. Kundan, Adv.
For the Respondent/s	:	Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 13-12-2024 Learned counsels for the respective parties on instructions submitted that the present L.P.A. is covered by the earlier decision passed in L.P.A. No. 199 of 2021. The state counsel on instruction submitted that there is a slight material difference to the extent that in the present case appellant has not completed 20 years, however, there is a provision for relaxation



insofar as taking note of the fact that he has attained the age of 50 years so as to seek voluntary retirement. The same is taken note of. The concerned authorities are hereby directed to take note of the relevant provision in view of the aforementioned clause relating to 50 years of age, in that event, employee/government servant can seek voluntary retirement. This principle is applicable to the case in hand.

2. Accordingly, resignation read with acceptance of resignation stands converted to that of voluntary retirement and its acceptance. Consequently the appellant shall be extended all service and monetary benefits as if appellant has taken voluntary retirement on the date of acceptance of resignation.

3. Accordingly, order of the learned Single Judge dated 04.02.2021 stand set aside. Writ petition allowed in part. The Present Letters Patent Appeal No. 187 of 2021 stand disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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