

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6717 of 2020**

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Sunil Kumar S/o- Deadhari Prasad Resident of 50, Bhajju Sah Lane, Aghoria Bazar Chowk, Musahri, Muzaffarpur, P.S.- 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 Through Registrar, Civil Court, Muzaffarpur.
7. The District and Sessions Judge Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Shashi Shekhar Kumar Prasad, Adv.<br>Mr. Abhay Shankar, Adv.<br>Mr. Surya Nandan Kumar, Adv. |
| For the State        | : | Mr. Gyan Prakash Ojha ( GA-7 )                                                                   |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

8      02-08-2024                      Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for seeking a direction to implement the old pension scheme for the petitioner who was appointed as clerk in the judgeship of Muzaffarpur by virtue of Advertisement No.1 of 2003 issued on 20.08.2003, but the joining has been given on 11.07.2006.

3. Learned counsel for the petitioner submits that he is entitled for old pension scheme.



4. From the annexures of the writ petition, it transpires to this Court that the petitioner has never made prayer for grant of old pension scheme before the authority because no representation is attached in the main writ petition.

5. Learned counsel for the petitioner submits that during pendency of the writ petition, he has filed one Interlocutory Application No.1 of 2024 intimating that the State Government has issued a circular through its Finance Department on 28.11.2023 in which the letter issued by the Government of India, Department of Pension and PW dated 17.02.2020 has been adopted. Counsel submits that the Central Government has issued a revised office memorandum through Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners Welfare dated 03.03.2023. Counsel for the petitioner relied on a judgment in case of Dr. Davinder Singh Brar Vs. Union Of India & Ors. dated 28.01.2020 passed in W.P.(C) 756/2020 and demanding that in case of the petitioner, old pension scheme shall apply.

6. Learned counsel for the State submits that the demand made by the petitioner is in the form of mandamus and for that, it is necessary to file representation first by the petitioner.



7. In this view of the matter, the present writ petition stands disposed off directing the petitioner to file representation before the Principal Secretary, Finance Department, Government of Bihar, Patna (respondent no.2) within 30 days raising all those points which he has raised in the writ petition and I.A. No.1 of 2024 and the Principal Secretary, Finance Department, Government of Bihar, Patna (respondent no.2) is hereby directed to pass a reasoned and speaking order within 90 days from the date of production of petitioner's representation.

**(Dr. Anshuman, J)**

Divyansh/-

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