

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6875 of 2019

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Rahul Kumar S/o Sri Bhola Nath Prabhat R/o E-140 Block-10, Village-Tamolia, P.O.-Pardih, P.S. Chandil, District-Jamshedpur, East Singhbhum, Jharkhand, presently posted as Section officer in the office of Dean Agriculture of B.A.U. Sabour, Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna
2. The Vice Chancellor Bihar Agriculture University, Sabour, Bhagalpur
3. The Bihar Agriculture University through its Registrar, having office at Sabour, Bhagalpur
4. The Director Administration, B.A.U. Sabour, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sri Niwas Jha
For the State	:	Mr.Raghwanand, GA-11
		Mr. Sanjay Kumar Tiwari
For Bihar Agriculture University:		Mr. Sriram Krishna
Sabour, Bhagalpur		Mr. Shailendra Kumar Singh
		Mr. Amarjeet

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 12-02-2024

Learned Mr. Sri Niwas Jha, learned counsel for the petitioner, Mr. Sanjay Kumar Tiwari (GA-11), learned counsel for the State and Mr. Sriram Krishna, learned counsel for the Bihar Agriculture University, Sabour, Bhagalpur.

2. The present writ petition has been filed for a direction to the respondents to provide a protection of pay in the light of General Conditions of Service statutes with consequential



benefits and the service rendered by the petitioner in the Union Bank of India from 26.05.2008 to 29.01.2015 be added and treated as qualifying service for purpose of retiral benefits as provided under Retirement Benefits Statutes.

3. Learned counsel for the petitioner submits that earlier the petitioner was appointed as Assistant Manager at Union Bank of India at Ranchi Regional Office on 26.05.2008 and subsequently, promoted as Manager on 21.08.2013 and posted at Azamgarh Region, U.P. Thereafter, after got selected on the post of Section Officer at Bihar Agriculture University, Sabour, he joined as Section Officer at B.A.U. Sabour on 30.01.2015. Thereafter, on request of the petitioner, the Branch Manager, Union Bank of India, Jamshedpur issued a letter dated 15.08.2015 to the Director (Administration) B.A.U. Sabour for Pay Protection under fundamental Rule 22. He also filed representations dated 09.09.2015 and 17.09.2015 for pay protection, which earlier was drawn as Branch Manager, Union Bank of India. Thereafter, he tried his best and filed several representations, but nothing was done regarding the same. It is further submitted that some of the employees of University, who were earlier posted at different organizations and PSUs were granted pay protection, which is



also evident from Annexure 12 series.

4. Learned counsel for the respondent no.2 filed a counter-affidavit stating therein that earlier on the representation of the petitioner, the Director, Administration, B.A.U., Sabour had sought guidelines from the State Government with respect to grant of pay protection to such employees who were earlier working in the public enterprises. In view of the request of the University, the Department had sought opinion of the Finance Department on this issue. The Finance Department giving reference to Rule-78 (Ka) of Bihar Service Code had opined that it is applicable to only State Government employees and the provisions contained in the said rule is not applicable to such employees who had come from the Central Government Service or from other State, therefore, the petitioner cannot be entitled for pay protection of his previous post and such information was already communicated to the university vide letter no. 2644 dated 10.07.2018.

5. As from bare perusal of record, it is evident that the said rule is not applicable to such employees, who had come from the Central Government service or from other States and due to this reason, the petitioner cannot be entitled for pay protection of his previous post.



6. Considering the submissions of the parties and from bare perusal of the record, I do not find any merit in the present writ application. Accordingly, this writ application stands dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2024
Transmission Date	NA

