

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6598 of 2024

1. Jairam Prasad Son of Late Jageshwar Singh, Resident of Village- Dongra, Post Office- Ginji, Police Station- Ghoshi, Bodh Gaya, District- Jahanabad, presently posted as Panchayat Secretary Under Block- Ratni Faridpur, District- Jahanabad.
2. Bidyanand Kumar, Son of Late Pragas Prasad, Resident of Village- Chamrubigha, Post Office- Manjhosh, Police Station- Makhdumpur, District- Jehanabad, presently working as Panchayat Secretary Under Block- Ratni Faridpur, District- Jahanabad.
3. Ram Chandra Singh, Son of Late Chandrika Yadav, Resident of Village- Andanchak, Post Office- Salarpur, Police Station and District- Jahanabad Presently working as Panchayat Secretary under Block- Ratni Faridpur, District- Jahanabad.
4. Sarvesh Prasad, Son of Late Sidhnath Prasad, Resident of Village- Dhanadihri, Post Office- Nehalpur, Police Station- Parasbigha, District- Jahanabad, presently working as Panchayat Secretary under Block- Kako, District- Jahanabad.
5. Devendra Kumar, Son of Yadunandan Sharma, Resident of Village- Okri, Post Office- Jaitpur, Police Station Ghoshi, District- Jahanabad, presently working as Panchayat secretary under Block- Kako, District- Jahanabad.
6. Shailendra Sharma, Son of Late Ram Suhawan Sharma, Resident of Village- Rukunpuira, Post Office- Jaitipur, Police Station- Ghoshi, District- Jahanabad, presently working as Panchayat Secretary, under Block- Ghoshi, District- Jahanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Secretary, (Reserve), Department of Finance, Government of Bihar, Patna.
3. The Director, Panchayati Raj, Government of Bihar, Patna.
4. The District Magistrate, Jehanabad.
5. The District Panchayati Raj Officer, Jehanabad.
6. The District Treasury Officer, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr. Vikramadit, AC to SC-22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 26-04-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. For issuance of a writ in the nature of Mandamus commanding and directing upon the respondents concerned to consider the claim of petitioners for inclusion under Old Pension Scheme in view of Government Resolution bearing Memo No. 1206 dated 28.11.2023 issued from the level of respondent, Finance Department of Respondent State under which since petitioners' appointment on the post of Panchayat Secretary was finalised by the district Selection Committee 25.09.2003 and necessary recommendation was sent to the Bihar Staff Selection Commission for necessary approval and in that course delay has caused and appointment letter of petitioners have been issued in year 2009 and have been put under National Pension Scheme (N.P.S.) but in view of Government resolution petitioners have submitting their option on 12.01.2024 before Respondent No. 5 for necessary action but no decision has been taken as yet.

(ii) For further direction upon the



Respondents concerned to adjust the deducted amount under N.P.S. fund under appropriate heading in view of Finance department directives issued time to time after having inducted the petitioner's under old Pension Scheme in view of Government resolution bearing Memo No. 1206 dated 28.11.2023 issued by Respondent No. 2.

(iii) For direction upon the respondents concerned to compute the period working as Dalpati at least for impose of pension and pensionary benefits for completion of 20 years required for full pension."

2. After some arguments, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent no. 4 i.e. the District Magistrate, Jehanabad, for redressal of their aforesaid grievances. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioners approach the respondent no. 4 i.e. the District Magistrate, Jehanabad, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off



by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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