

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5995 of 2018

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Mahesh Prasad, Son of late Lal Das, Resident of G.D.H. Colony, fourth Grade Housing P.O. Guljarbagh, P.S. Alamganj, Distt. Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, In-chief, Health Services Government of Bihar.
3. The District Provident Fund Officer, Patna.
4. The Deputy Director-Cum-In-Charge, Tuberculosis Demonstration and Training Centre Agam Kuan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Nagendra Pd.Yadav -SC23

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-04-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner has filed the present writ petition for directing the respondent authorities to grant benefits of the Old Pension Scheme in place of the New Pension Scheme.

3. Learned counsel for the petitioner submits that the petitioner was appointed on compassionate grounds on 09.02.1980 through letter No. 62 (Annexure 2 to the writ petition). Subsequently, he was granted First Time Bound Promotion but thereafter, his services were terminated vide



order dated 30.04.1993. The petitioner moved before this Hon'ble Court in CWJC No.9718 of 1994 which was disposed of vide order dated 02.08.1995 and subsequently, the petitioner was appointed vide Annexure -6, contained in Memo No.1045(11) dated 13.09.2010 and after that, he remained continued in service. In the year, 2016 vide memo No. 1206(Pay), dated 28.11.2023, a resolution from the Department of Finance, Government of Bihar was published. According to this, the petitioner is claiming that he is entitled to the Old Pension Scheme and, therefore, he has filed the present writ petition.

4. Learned counsel for the State on the other hand submits that in the letter dated 13.09.2010, contained in Memo No.1045(11) Annexure-6 to the writ petition, it has categorically been mentioned in Clause-IV that the New Pension Scheme is applicable on the petitioner with effect from 01.09.2005

5. In the light of the submissions made by the parties, this Court is of the firm view that it is true that the petitioner was appointed in the year 2010 and at the time of appointment, it was decided that NPS shall apply on him but due to circular of 2023 contained in Memo No. 1206(Pay), the petitioner wants to raise his claim, but he has not filed any representation in the



light of the present circular.

6. As such, the writ petition is disposed off directing the petitioner to file a representation before respondent No.2, namely, the Director in Chief, Health Services, Government of Bihar, Patna within 30 days from today whereupon, the respondent No.2 is directed to consider the claim of the petitioner in the light of the Resolution dated 28.11.2023, contained in memo No. 1206(Pay) and disposed off the same with a reasonable and speaking order within 90 days from the date of filing of the representation which shall be counted from the last date of the general election of Lok Sabha 2024.

7. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	16/04/2024
Transmission Date	NA

