

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11164 of 2024

-
1. Sanjay Kumar, aged about 49 years, Male, S/O-Late Bishnudeo Prasad, Resident of New Jakkanpur Chapra Colony, P.S.-Jakkanpur, District-Patna.
 2. Rabindra Nath Uraon, aged about 52 years, Male, S/O-Tunna Uraon Resident of Village-Joka Jalmaray, P.S.-K. Nagar, District-Purnea.
 3. Rajesh Kumar, aged about 39 years, Male, S/O-Kamta Prasad, Resident of Village-Ganjpar, P.S.-Rahui, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Patna.
2. The District Magistrate, Munger.
3. The District Magistrate, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Thakur, Advocate
For the State	:	Mr. K.P. Gupta, GP 10
		Ms. Deepanjali Gupta, Ac, to GP 10

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-07-2024 Heard Mr. Mukesh Kumar Thakur, learned counsel appearing on behalf of the petitioners and Mr. K.P. Gupta, learned GP 10 and Ms. Deepanjali Gupta, learned AC to GP 10 for the State.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“(I) For commanding the respondent no.2 & 3 to consider the representation of the petitioners dated 29.12.2023 and 27.12.2023 respectively and pass final order with regard to Old Pension Scheme (OPS) of the petitioners.

(ii) For direction upon the respondent



no.2 & 3 to include the petitioners under Old Pension Scheme in the light of resolution no.1206 dated 28.11.2023 of the Finance Department, Govt. Of Bihar, Patna forthwith.

(iii) For any other relief/reliefs for which the petitioners are found entitled to.”

3. Mr. Mukesh Kumar Thakur, learned counsel appearing on behalf of the petitioners submits that petitioners are working on the post of *Amin*. Petitioner no.1 is posted in Munger District, while petitioners no.2 and 3 are posted in Kishanganj District. Petitioner no.1 was appointed on 01.09.2010, while petitioners no.2 and 3 were appointed on 22.10.2010 and 28.10.2010 respectively. Learned counsel has tried to clarify that before 01.09.2005, there was provision of Old Pension Scheme but after 01.09.2005, now New Pension Scheme came into effect. Learned counsel has drawn the attention of this Court towards Resolution of the Finance Department, Government of Bihar, contained in Memo No.1206 dated 28.11.2023. In clause 4 of the said Resolution, it has been clarified in respect of benefit of Old Pension Scheme on certain terms and conditions for those employees, who want to opt for Old Pension Scheme. As per the conditions mentioned therein the benefit of Old Pension Scheme can be given to those employees, who were appointed pursuant to



advertisement, which was issued prior to 01.09.2005 and selection process has completed prior to 01.09.2005 and in cases whose appointment process were initiated after 01.09.2005 but got delayed due to administrative reason or due to judicial process. Learned counsel clarifies that petitioners come under clause 4(iii) of the said Resolution, taking into consideration the advertisement dated 11.09.2004, pursuant to which petitioners were appointed after much delay, i.e., prior to 01.09.2005. Learned counsel in these backgrounds submits that petitioners being covered by the clarification made by Resolution as contained in Memo no.1206 dated 28.11.2023, have already submitted their detailed representations before the District Magistrates for considering their option for Old Pension Scheme. However, representations of the petitioners are still pending before the District Magistrate-cum-Collector, Munger in respect of petitioner no.1 and District Magistrate-cum-Collector, Kishanganj with respect to petitioners no.2 and 3.

4. Learned counsel appearing on behalf of the State has no objection and is also of the considered view that the representations of the petitioner must be disposed of by the District Magistrate-cum-Collector concerned within a stipulated time without delay, so that petitioners cannot be affected in any



manner.

5. Having considered the rival submissions made on behalf of the parties, as well as, the desire of the petitioners, that their representation be disposed of, the District Magistrate-cum-Collector, Munger and District Magistrate-cum-Collector, Kishanganj are directed to take appropriate action in light of the Resolution contained in Memo No.1206 dated 28.11.2023 well within a period of six weeks without fail.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

