

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.152 of 2021

In

Civil Writ Jurisdiction Case No.14588 of 2019

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1. Barhu Prasad, Retired Sub-Judge-Cum-Addl. Chief Judicial Magistrate, Hajipur, aged about 66 years, Son of Late Bekaru, Resident of Village - Karchhulia, P.O. - Nagwa, P.S. - Uska Bazar, District - Sidharth Nagar (U.P.).
 2. Khedan Prasad, Retired A.C.J.M.-Cum-Sub-Judge, Betia, aged about 66 years, Gender-Male, S/o Late Mohar Prasad, Resident of Mohalla - Kasera Toli, Padreuna, P.S. - Padreuna, P.O. - Padrauna, District - Khushi Nagar (U.P.).
 3. Lal Bahadur, Retired A.C.J.M.-Cum-Sub-Judge, Bagha (Betia), aged about 66 years, S/o Late Musafir Ram, Resident of Village - Shankerpur Majhauwan, P.O. - Kasa, under P.S. - Bhinpura, District - Balia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Law, Patna.
2. The Principal Secretary, Law Department, Govt. of Bihar, Old Secretariat, Patna.
3. The High Court of Judicature at Patna through the Registrar General, Patna.
4. The Secretary to the Govt. of Bihar, General Administration Department, Bihar, Patna.
5. The Account General (A& E), Veerchand Patel Path, Bihar, Patna.
6. The Principal Secretary, Department of Finance, Govt. of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.
For the State : Ms. Nivedita Nirvikar, Sr. Adv.
Mr. G.P. Ojha, G.A.-7
For the High Court : Mr. Satyabir Bharti, Adv.



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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)
Date : 08-08-2024

Heard the learned counsel for the parties.

2. The review petitioners, three in number, seek a re-look at the order dated 17.10.2019 passed in C.W.J.C. No. 14588 of 2019.

3. The petitioners were aggrieved by their being offered appointment letters much after they had qualified in the service. Had they been given appointment letters in time, perhaps, they would have qualified for full pension as they would have worked for 20 years in their service. Alas that did not happen and the petitioners worked only for 13 to 14 years before they superannuated.

4. One of the contentions of the review petitioners was to give them the benefit of qualifying years of service on the basis of their having qualified in



the examination for service.

5. The afore-noted prayer of the petitioners was rejected by the Bench on the plea that merely qualifying in an examination would not give any substantive right of being appointed and services being counted accordingly. As on date, the review petitioners do not have quarrel with the afore-noted proposition enunciated by the Bench.

6. The second of the contentions before the writ-Court was that they had already been allowed pension of 50% on the basis of last pay drawn by them but later, on a clarification of the Government resolution, their pension amount was slashed down on the ground of proportionate deduction in the pension amount for the review petitioners not having the requisite number of 20 years of service for getting full pension.

7. It appears that the Bench hearing the matter took notice of the inadvertent error in the resolution No. 11859 dated 28.12.2011 and the amendment made in



the previous resolution No. 14303 dated 22.10.2010 and the clarification in resolution No. 1529 dated 11.02.2019, declaring that the minimum years of service for getting pension would be 20 years for Judicial Officers and in case, the service rendered by the Judicial Officers is less than 20 years but more than 10 years, proportionate pension would be given.

8. The afore-noted resolution of 11.02.2019 has been issued by the State Government in its Finance Department.

9. The qualifying years of service of 20 years was in existence as it was already fixed by resolution No. 14303 dated 24.12.2010 in compliance of the recommendations of Justice Padmanabhan Committee and the order dated 26.07.2010 passed by the Supreme Court.

10. The Bench hearing the writ petition, on an examination of the two resolutions dated 22.12.2010 and 28.12.2011 coupled with the orders passed by the



Supreme Court as referred to in the counter affidavit as well as the resolution dated 11.02.2019, was of the view that the resolution of 2019 was only to remove the anomaly in the earlier resolution and that there could be no resolution to nullify the substantive rule of a minimum of 20 years of service to qualify for full 50% pension.

11. No good ground has been made out by the review petitioners for any re-look at the matter.

12. The petition is dismissed accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.08.2024
Transmission Date	N/A

