

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15877 of 2022

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Kapil Deo Pd. Yadav S/O Bhudhan Yadav Resident of Yadav Seva Sadan
Road, Lal Darwaza Munger, P.S. Sadar, District- Munger, Bihar Pin Code-
811201. At present District Rural Development Agency Munger, Post Driver.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Rural Development Govt. of Bihar, Patna.
3. The Secretary, Rural Development Department Govt. of Bihar, Patna.
4. The Assistant Secretary, Rural Development Department, Govt. of Bihar, Patna.
5. The Joint Secretary, Rural Development Department, Govt. of Bihar, Patna.
6. The Deputy Secretary, Rural Development Department, Govt. of Bihar, Patna.
7. The District Magistrate, Munger.
8. District Rural Development Agency, Munger through the Deputy Development Commissioner, Munger- cum- The Chief Executive Officer, District Rural Development Agency Munger.
9. The Director, District Rural Development Agency, Munger, District- Munger.
10. The Deputy Collector, Establishment, Munger, District- Munger.
11. The Union of India, through the Secretary, Ministry of Rural Development Department, Govt. of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Kumari Chandna, Advocate Mr. Amarendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar (Sc 11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-03-2024 The present writ petition has been filed
seeking the following reliefs:-

*“(i) To issue an appropriate writ preferably in
the nature of 'Certiorari' for setting aside the*



resolution bearing Memo No.796 dated 2.2.2018 issued under the signature of the Secretary (Expenditure), Department of Finance, Government of Bihar, Patna, whereby and where under the service rendered by the petitioner in the DRDA prior to absorption has been decided to be not counted and the employees like the petitioner is directed to be covered under the New Pension Scheme, 2005.

(ii) To issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the resolution bearing Memo No.415764 dated 08.03.2019 issued under the signature of the Secretary Rural Development Department, Government of Bihar, Patna, whereby and where under the petitioner has been absorbed in the service of the Government w.e.f. the date on which the cabinet has been taken the decision in this regard dated 08.3.2019 for absorption of his service.

(iii) To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to absorb service of the petitioner from the date he was initially appointed in the District Rural Development Agency.



(iv) To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to pay to the petitioner entire benefits of Service like a regular government employee with all consequential benefits w.e.f. his initial appointment under the D.R.D.A."

2. At the outset, the learned counsel for the petitioner submits that though the petitioner has been absorbed vide memo dated 08.03.2019, however, he should have been absorbed from the date of initial appointment/engagement inasmuch as the case of the petitioner is covered by a resolution dated 27.07.2019, issued by the Principal Secretary, Rural Development Department, Government of Bihar, Patna as also by a resolution dated 29.01.2022, issued by the Secretary, Finance Department, Government of Bihar, Patna.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Munger for redressal of his



aforesaid grievances.

4. It is needless to state that in case appropriate representation is filed, within a period of two weeks from today, the District Magistrate, Munger shall dispose off the same by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

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