

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21720 of 2018

Dr. Jai Prakash Sharma S/o Late Raghav Sharan Sharma, resident of Village and P.O. Sikarpur, P.S. Majhulia, District- West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health (Medical Education, Family Welfare and Indigenous Medicine), Government of Bihar, Patna.
2. The Principal Secretary, Department of Health (Medical Education, Family Welfare and Indigenous Medicine), Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, New Secretariat, Patna.
4. The Principal Secretary cum Chairman, Grievance Redressal Committee, Department of Health, Government of Bihar, Patna.
5. The Under Secretary cum Nodal Officer, Grievance Redressal Committee, Department of Health, Government of Bihar, Patna.
6. The Union of India through the Chief General Manager, Pension Fund Regulatory and Development Authority, First Floor, ICADR Building, Plot No. 6, Vasant Kunj Institutional Area, Phase II, New Delhi, 110070.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Krishna Tripathy, Advocate
For the State	:	Mr. S.D. Yadav, AAG- 9
For the U.O.I.	:	Mr. Awadhesh Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-06-2025 Learned counsel for the petitioner, learned counsel for the State and learned counsel for the Union of India are present.

I.A. No. 1 of 2024

2. Learned counsel for the petitioner submits that the present writ petition was filed for issuance of an appropriate writ directing the respondent to grant notional seniority to the



petitioner with effect from 21.04.1999 in terms of the order dated 27.07.2011 passed by this Hon'ble Court in CWJC No. 9793 of 2008 and place the petitioner under the old pension scheme on the ground that similarly situated persons have been granted the same benefit.

3. Counsel further submits that during the pendency of the writ application, the petitioner was granted notional seniority with effect from 21.04.1999 by notification dated 13.06.2019. However, the petitioner was denied the benefit of the old pension scheme vide Memo No. 16/H1-03/2017-888(13) dated 03.09.2019 on flimsy grounds, which is completely contrary to the order passed by this Hon'ble Court. Counsel further submits that the petitioner has placed certain documents on record in the present Interlocutory Application, i.e., Annexure-9, which includes the decision of the Seven Men Committee contained in Memo No. 16/H1-03/2017-888(13) dated 03.09.2019, the resolution of the Finance Department vide Memo No. 1206 dated 28.11.2013, and the representation submitted by the petitioner to the Additional Chief Secretary, Department of Health (Medical Education, Family Welfare and Indigenous Medicine), Government of Bihar, Patna, to request the petitioner's name under the old pension scheme, as well as



the subsequent representation, dated 02.02.2024, to the Joint Secretary, In-charge AYUSH, Health Department.

4. Learned counsel for the State has no objection to allowing the present writ petition, as the pleadings made in the Interlocutory Application are nothing but subsequent developments relating to the case of the petitioner.

5. Learned counsel for the State further submits that the representation regarding the inclusion of the petitioner under the old pension scheme has already been rejected vide letter bearing Memo No. 16/H1-03/2017-888(13) dated 03.09.2019.

6. It transpires to this Court that the Government of Bihar has taken a decision contained in Memo No. 1206 dated 28.11.2013, which was subsequent to the letter bearing Memo No. 16/H1-03/2017-888(13) dated 03.09.2019, by which the demand of the petitioner to consider his case in old pension scheme was rejected.

7. It further transpires to this Court that the decision taken by the Seven Men Committee presently stands as a barrier for the petitioner, though the petitioner has filed his representation on 02.02.2024.

8. In light of the submissions and upon considering the petitioner's case along with the resolution of the Finance



Department contained in Memo No. 1206 dated 28.11.2013, this Court deems it fit to direct that the respondent, the Additional Chief Secretary, Department of Health, Government of Bihar, Patna, to take a fresh decision in the matter of the petitioner in light of the said resolution, i.e., Memo No. 1206 dated 28.11.2013 (Annexure-10) within 90 days from the date of production of this order. The letter bearing Memo No. 16/H1-03/2017-888(13) dated 03.09.2019, whereby the petitioner's case under the old pension scheme was not considered, is hereby set aside. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna, shall accordingly take a fresh decision in the matter of the petitioner.

9. Accordingly, the present writ petition is hereby allowed, and I.A. No. 01 of 2024 is hereby disposed off.

(Dr. Anshuman, J.)

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