

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1852 of 2021

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1. Umesh Kumar S/o Mahavir Prasad Mandal, R/o Mohalla- F.C.I. Godam Path, Madhepura, P.S. Madhepura, District- Madhepura PIN- 852113. At present District Rural Development Agency Madhepura, Post- Clerk - Cum- Typist.
 2. Rajendra Paswan, S/o Late Prem Paswan, Resident of Mohalla- Jai Prakash Nagar Ward No. 06, P.S. Madhepura, District- Madhepura, At present District Rural Development Agency Madhepura, Post-Clerk-Cum- Typist.
 3. Nand Kishore Singh, S/o Late Mahendra Narayan Singh, R/o Village and Post- Sahpur, P.S. Gwalpara, District- Madhepura, At present District Rural Development Agency Madhepura, Post- Clerk-Cum- Typist.
 4. Bhupendra Yadav @ Bhupendra Pd. Yadav, S/o Tanuk Lal Yadav, R/o Mohalla- Ganesh Asthan Madhepura, P.S. and District- Madhepura, At present District Rural Development Agency Madhepura, Post - Office Peon- Cum-Nigh Guard.

... .. 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, Madhepura.
8. District Rural Development Agency, Madhepura through the Deputy Development Commissioner, Madhepura-cum-The Chief Executive Officer, District Rural Development Agency Madhepura.
9. The Director, District Rural Development Agency, Madhepura, District- Madhepura.
10. The Deputy Collector, Establishment, Madhepura, District - Madhepura.
11. The Union of India, through the Secretary, Ministry of Rural Development Department, Govt. of India, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar Singh, Advocate
For the State	:	Mr. Sudhanshu Bhushan, AC to GP- 7
For the Union of India	:	Mr. Subodh Kumar Jha, Sr. CGC Mr. Arvind Kumar, CGC



CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-07-2025

Heard the parties.

2. The petitioners are aggrieved with the resolution as contained in Memo No. 796, dated 02.02.2018, issued under the signature of the Secretary (Expenditure), Department of Finance, Government of Bihar, Patna whereby the services rendered by the petitioners in the District Rural Development Agency prior to absorption has not been reckoned and directed to be covered under the New Pension Scheme, 2005.

3. Mr. Amrendra Kumar Singh, learned Advocate for the petitioners fairly submitted that in the light of the resolution as contained in Memo No.6479, dated 27.07.2009, the identically situated persons have been extended the benefit of their past services rendered in the District Rural Development Agency. However, some of the aggrieved persons approached this Court in C.W.J.C. No. 5707 of 2015, however, the claim of the writ petitioners did not find favour; against which they preferred Letters Patent Appeal, bearing L.P.A. No. 737 of 2019 and the order of the learned Single Judge came to be set aside and the matter is remitted to the competent authority to take decision to the extent of



discrimination among the employees of the then DRDA and set right the same. The order passed by the learned Division Bench is questioned in Special Leave to Appeal No. 26180 of 2024 and the operation of the order of the learned Division Bench came to be stayed.

4. Mr. Sudhanshu Bhushan, learned Advocate for the State and Mr. Arvind Kumar, learned CGC submit that since the operation of the learned Division Bench came to be stayed, hence no relief could be granted to the petitioners.

5. Considering the submissions set forth and the fact that the matter is *subjudice* before the Hon'ble Supreme Court, this Court does not find any reason to continue with the order. The present writ petition stands closed with liberty that if order passed by the Hon'ble Supreme Court finds favour in any of the identically situated persons, the petitioners shall be at liberty to agitate their claim before the competent authority.

6. With the aforesaid liberty, the writ petition stands closed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	NA

