
(2004) 01 PAT CK 0042
In the Patna High Court
Case No : C.W.J.C. No. 6995 of 2003

Dr. Raghunath Prasad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 13-01-2004

Acts Referred:

Citation : (2004) 01 PAT CK 0042

Judgement

Radha Mohan Pd., J.—In this writ petition, the only dispute is as to whether the service rendered by the Petitioner in the District Board is to be counted for the purpose of computation of pensionary benefits.

2. learned Counsel for the Petitioner has submitted that in view of paragraph 3 of the Government decision contained in Memo No. 512(14) dated 22.3.1993 (Annexure 2) such service is treated as pensionary services with only one condition that the employee of Zila Parishad is to deposit the provident fund amount received by him from Parishad in one lumpsum. In support of his contention, he relied upon a decision of this Court in the case of Dr. Suryakant Thakur Vs. The State of Bihar and Others, wherein the learned single judge has held that the Medical Officers appointed initially by the District Board and later their services taken over by the State Government are entitled to get on the basis of retirement benefits by counting total length of service, including the service rendered by him under the District Board.

3. learned Counsel for the State, however, relying upon the order of the learned single judge in the case of Mahendra Ram v. The State of Bihar and Ors. C.W.J.C. No. 1277 of 2002, disposed of on 24.6.2002 contained in Annexure A, submitted that such service is not to be counted for the purpose of computation of pension.

4. I am unable to appreciate as to how the said order (Annexure A) of the learned single Judge has got any relevance to the facts and circumstances of the present case wherein the State Government itself vide Annexure 3 decided to count the service rendered by a person after 1.4.1949 in Zila Parishad as pensionary service subject to only one condition that such person will have to

deposit the provident fund amount received by him from Parishad in one lumpsum in the Government Treasury. Moreover, this view also stands supported by the judgment of this Court in the case of Dr. Suryakant Thakur v. State of Bihar (supra).

5. However, learned Counsel for the Petitioner has failed to show any statement that the Petitioner deposited the entire provident fund amount received by him from Parishad in one lumpsum in terms of the said Government decision. As such, this Court directs the Secretary, department of Health, Government of Bihar, Patna (Respondent No. 2) to examine this aspect and dispose of the said claim of the Petitioner by a fresh order and in case the amount of the provident fund received from Parishad by the Petitioner has already been deposited by him, necessary sanction order shall be issued with respect to revision of pensionary benefits by counting the service rendered by Petitioner in the Zila Parishad as pensionary service.

6. In view of the said order, it is needless to say that Annexure 6 will be of no effect.

7. The writ application is, accordingly, disposed of.