

(2021) 02 PAT CK 0264

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 24518 Of 2018

Santosh Kumar And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 23-02-2021

Acts Referred:

Citation : (2021) 02 PAT CK 0264

Hon'ble Judges : Anil Kumar Upadhyay, J

Bench : Single Bench

Advocate : Nilendu Kumar Choudhary, Manish Kumar, Anil Kumar

Final Decision : Allowed

Judgement

Learned counsel appearing on behalf of the petitioners seeks permission to make necessary corrections in the name of petitioner no.40 in the cause

title of the writ application.

Let the aforesaid correction be made during course of the day.

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Petitioners have approached this Court for a direction to the respondents to grant the benefit of old Pension Scheme as they were recruited as

constables pursuant to Advertisement 01/2004 and in the same transaction, constables were appointed in different districts as cut-off date was fixed

as 31.08.2005 and they have been granted the benefit of old Pension Scheme but the case of the petitioners was delayed and they have been

subjected to new Pension Scheme. The petitioners have challenged the action of the respondents as arbitrary, unreasonable and discriminatory.

Learned counsel for the petitioners submits that the issue raised in the present

writ application is no more res integra and identical issue was decided by this Court in CWJC 16468 of 2016 and analogous cases. Similar issue in the case of Ganpati Singh Vs State of Bihar, CWJC No.663 of 2010 was set at rest vide order dated 29.08.2011 which was affirmed in LPA No.204 of 2014 and SLP preferred against the order of the LPA was dismissed in SLP (Civil) No. 35714 of 2016 (The State of Bihar & others Vs. Ganpati Singh). In order to maintain consistency, the present writ application is allowed in terms of the order dated 29.08.2011 passed CWJC No.663 of 2010 in the case of Ganpati Singh Vs State of Bihar which was set at rest by a Bench of this Court against which the order of the Writ Court was also affirmed in LPA No.204 of 2014 and SLP preferred against the order of the LPA was dismissed in SLP (Civil) No. 35714 of 2016 (The State of Bihar & others Vs. Ganpati Singh).