
(2016) 03 PAT CK 0109

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7910 of 2014

Union of India

APPELLANT

Vs

Sanjay Kumar Singh

RESPONDENT

Date of Decision : 28-03-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 PLJR 387

Hon'ble Judges : Mr. Navaniti Prasad Singh and Smt. Nilu Agrawal, JJ.

Bench : Division Bench

Advocate : Mr. S.D. Sanjay, (Addl.S.G) and Mr. Rajesh Kumar Verma (C.G.C.),
for the Appellant

Final Decision : Dismissed

Judgement

Mr. Navaniti Prasad Singh, J.(Oral)—Heard learned counsel appearing for the Postal Department.

2. This writ petition is directed against the order dated 18.02.2010, passed in O.A. No. 523 of 2005 and analogous cases by which the Central Administrative Tribunal, Patna Bench, Patna, has held that those persons, who were already enjoying temporary status on or before 01.01.2004, not being new entrants after that day, they will not be covered by new pension scheme. Department is aggrieved by the said decision.

3. We have heard learned counsel for the Department and see no reason to interfere.

4. The new pension scheme itself is clear inasmuch as it indicates applicability thereof to a new entrant. After 01.01.2004 those who had earlier, pursuant to one or other scheme of the Department, got temporary status from before under the Department itself, and, thus, were on regular pay rolls, cannot be said to be new entrant after 01.01.2004, even though they were made permanent thereafter. Their GPF accounts have already been opened prior to 01.01.2004.

Their service as temporary status having been reckoned for the purposes of making them permanent. All those benefits cannot be denied for the simple reason, that they are not new entrant in service under the Department after 01.01.2004.

5. For the reasons aforesaid, we see no reason to interfere with the impugned order. This writ petition is, accordingly, dismissed.