



FOR EXEMPTION FROM FILING O.T. ON IA 73351/2018)

Date : 04-03-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Keshav Mohan, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Piyush Vatsa, Adv.  
Mr. Santosh Kumar - I, AOR

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.  
Mr. Somesh Chandra Jha, AOR  
Mr. Rahul Narang, Adv.

Mr. Kripa Shankar Prasad, Adv.  
Mr. Chandra Bhushan Prasad, AOR  
Ms. Ekta Rani, Adv.  
Mr. Prabodh Kumar Singh, Adv.  
Ms. Ritu Rajkumari, Adv.

Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Animesh Kumar, Adv.  
Mr. Nishant Kumar, Adv.  
Mr. Ambuj Dixit, Adv.  
Mr. Akash Chatterjee, Adv.  
Mr. Neeraj Shekhar, AOR

Mr. Sushil Kumar Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

The impugned judgment of the High Court of Judicature at Patna, after stating this Court's order dated 07.09.2017 in its applicability to the State of Jharkhand post bifurcation then held:

"5. From the aforesaid legal principles laid down by the Hon'ble Supreme Court, it is clear that the employees identically situated like the appellants herein, who were working in various Public Sector Undertakings, Boards and Corporation in the undivided State of Bihar and whose cases were decided by the High Court of Jharkhand have been granted benefit and the Hon'ble Supreme Court held that they are entitled to count their service prior to their

absorption for the purpose of retiral benefits and grant all pensionary benefits.

6. That being the position, we see no reason to deny the same benefit to these appellants, who are identically situated, like the other, who are allocated to State of Jharkhand after re-organization of the State of Bihar in the year 2000.

7. In view of the aforesaid, we allow all these appeals, quash the order dated 29.03.2017 passed by the Writ Court in C.W.J.C. No. 7702 of 2010 and other analogous cases and direct the State of Bihar to grant benefit to each of the appellants herein by counting services as rendered by them in the Boards, Corporations and Public Sector Undertakings prior to their absorption and to grant them the pensionary benefit after counting such service in the Boards or Corporations."

We have also been informed that from the judgment dated 07.09.2017, a review petition was dismissed by this Court on 06.03.2018 in which substantially the same grounds as are taken by the State today were taken by the State of Jharkhand after which the review petition was rejected.

In the circumstances, we are of the view that the Special Leave Petitions need to be dismissed.

Considering that the respondents have not been paid anything, the State of Bihar to implement the impugned LPA judgment and to see that all benefits mentioned therein are paid within a period of six months from today.

Pending applications stand disposed of.

(R. NATARAJAN)  
AR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER