

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3906 of 2015

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Sulochana Sinha wife of Late Binod Kumar Prasad, resident of village -
Chak Lokman, Ward no. 8, P.S.- Dalsinghsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum- Secretary to Government of Bihar, Public Health Engineering Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Public Health Engineering Circle, Munger.
4. The Executive Engineer, Public Health Division, Munger.
5. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Adv
For the State : Mr. S.K. Sinha- GP15 with AC to GP-15
For the respondent no. 5 : Mrs. Namrata Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 24-03-2015 Heard learned counsel for the parties as with

regard to the following relief prayed in this writ

application:-

"(i) For issuance of an appropriate writ commanding the respondents to take a decision on the post retirement benefits of husband of the petitioner after having the period of serving expend in work charge establishment and consequent to family pension of the petitioner and other post retiral benefit including pension, Gratuity and Leave encashment etc.

(ii) For issuance of an appropriate writ commanding the respondents to pay the family pension to the petitioner."

Having regard to the fact that the husband of the petitioner was ultimately regularized in service on the post of Khalasi (Key Man) and that he had service history of being a work charge employee at least from the year 1988, this Court will have no difficulty in directing for calculation and payment of all retirement benefit to the petitioner, the widow, by computing the length of service of the husband of the petitioner from 1988 till the date of his death being 22.03.2010. This has to be done because this Court has held that in the event of regularization, the Government itself has taken decision to count the work charge period of a regularized employee in Public Health Engineering Department.

It has to be kept in mind that the controversy in this regard as with regard to the daily wage employees even after being brought into the work charge

establishment were again sought to be reduced to daily wage, ultimately got resolved in view of the order of regularization of the petitioner pursuant to the order of Division Bench of this Court in the case of **State of Bihar vs Sheela Devi & Ors** reported in **2013(4) PLJR 557**.

Thus, in view of the aforementioned discussion, this Court would direct the respondent-authorities of the Public Health Engineering Department as also the office of the Accountant General that all the post retirement benefit of the husband of the petitioner by computing his length of service of around 22 years (1988 to 2010) as also the family pension, must be paid within a period of six months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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