

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 9496 of 2012**

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1. Bir Bahadur Prasad S/o Late Bhikhari Mahto R/o Vill-Pinkarthu Khurd, P.S.-Daraunda in the District of Siwan.
  2. Din Bahadur Prasad S/o Late Bhikhari Mahto R/o Vill-Pinkarthu Khurd, P.S.-Daraunda in the District of Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department Government of Bihar, Patna.
2. The Engineer in Chief Road Construction Department Government of Bihar, Patna.
3. The Chief Engineer, Road Construction Department, North Bihar, Darbhanga.
4. The Superintending Engineer, Road Construction Department Saran Circle, Hazipur, Vaishali.
5. The Executive Engineer, Road Construction Division, Siwan.
6. The S.D.O. Road Construction Department Mairwa, Siwan.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Adv.

For the Respondent/s: Mr. Suresh Kumar, A.C. to GP1.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL JUDGMENT

**Date: 09-08-2016**

Heard learned counsels for the parties.

The father of the petitioners were admittedly work-charged employee under the Road Construction Department, Government of Bihar. They seek direction for payment of gratuity, leave encashment and other post-retiral due consequent upon death of the employee namely Bhikhari Mahto.

Counter-affidavit has been filed on behalf of the respondent, State of Bihar stating therein that General Provident Fund amount and Group Insurance amount have

been paid to the petitioner. It has also been submitted that no family pension, gratuity or leave encashment is admissible to the work-charged employee under the relevant rules.

Learned counsel for the petitioners has relied on a decision of this Court in case of Sona Devi vs. State of Bihar reported in 2015(1) PLJR 847 in order to make out a case for family of the work-charged employee is entitled for family pension.

However, in view of subsequent Division Bench decision of this Court in case of State of Bihar vs. Bimla Devi reported in 2016(1) PLJR 452, the plea of the petitioner can not be accepted.

Accordingly, this application is dismissed.

**(Chakradhari Sharan Singh, J.)**

Vikash/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 19.08.2016 |
| Transmission Date | N.A.       |