

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14863 of 2014

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1. Ramashankar Manjhi Son of Late Raghunath Manjhi resident of village /
Mohalla - Hussainganj, P.O. and P.S. Hussainganj, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Home Secretary, Government of Bihar, Patna
4. The Superintendent of Police, Siwan
5. The District Magistrate - Cum - Collector, Siwan
6. The Sub - Divisional Magistrate, Siwan
7. The Circle Officer, Husainganj Block, District Siwan
8. The Officer In - Charge, Hussainganj Police Station Siwan
9. The District Provident Fund Officer, Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Verma

For the Respondent/s : Mr. AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-08-2016

Prior to 1.1.1990, Choukidars and Dafadars were not government servants. The State of Bihar for the first time brought about certain legislation/ rules by virtue of which they were treated as class IV employees with effect from 1.1.1990.

Once that status was accorded all the rules which govern a government servant came into play. In the present case, the petitioner claims himself to be the son of an erstwhile Choukidar, who superannuated on 30.4.1998 after having reached the age of 58 years on 9.4.1998. He died on 11.11.2006.

The son now claims that his father is entitled to

something more than what has been paid such as pension, gratuity etc.

The State in the counter affidavit has brought evidence on record to show that since father of the petitioner never completed 10 years of minimum service, which is mandatory for payment of pension, gratuity etc., it is not required to be paid. Certain other claims had already been settled years ago and paid. It is the stand of the counsel for the State that the present writ is nothing but an opportunity on the part of the son, after more than 12 years of death of the father and more than a decade and half after his superannuation to derive certain benefits to which he is not entitled.

To overcome the above factual position and the law, counsel for the petitioner starts another limb of argument that actually the father of the petitioner had worked much beyond 1998 because Annexure- B is of 2001 and Annexure- 1 is the identity card made sometime in the month of May 1998, which is an indication of his continuance. The Court takes judicial notice of the fact that since there is no mechanism and check or crosscheck on the working of these Choukidars, some of them continue to render service as they claim till they get literally thrown out of the system.

Since no government servant is required and expected to continue beyond the age of superannuation, any such claim on the part of progeny of the erstwhile employee is not required to be entertained

or debated.

The petitioner is not entitled to any other claims by virtue of his father becoming a government servant because he never rendered the minimum required 10 years of service.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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CAV DATE	
Uploading Date	23.8.2016
Transmission Date	