

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14118 of 2013

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1. Birendra Kumar Singh S/o Sri Ram Kishun Singh, resident of village + Post - Mou, Viya Vidyapati Nagar, District - Samastipur at present posted at Public Health Engineering Division, Ara
 2. Kauleshwar Singh S/o Late Matuk Dhari Singh, resident of village + Post - Aram, Viya - Vikram, District - Patna at present posted at Public Health Engineering Division, Ara
 3. Nirantar Prasad S/o Sri Ramayan Singh resident of village - Piparhiya, P.O. Karwan, District - Ara (Bhojpur) at present posted at Public Health Engineering Division, Arra
 4. Ram Kumar Singh S/o Jag Narayan Singh, resident of village - Parsada, P.O. - Manikpur, Viya - Manoharpur, District - Buxar, at present posted at Public Health Engineering Division, Arra
 5. Madan Mohan Prasad S/O Sri Khedu Prasad, resident of village - Shubhkaran Ganj, P.O. - Daulatpur, District - Bhojpur (Arrah), at present posted at Public Health Engineering Division, Arra
 6. Sri Bhagwan Singh S/o Sri Vishwanath Singh resident of village + Post - Funha, District - Bhojpur (Arrah), at present posted at Public Health Engineering Division, Arra
 7. Ramun Prasad S/o Sri Birwal Prasad, resident of village - Keshopur Bakri, P.O. - Karwan, P.S. - Udwantnagar, District - Bhojpur (Arrah), at present posted at Public Health Engineering Division, Arra
 8. Radhepal S/o Late Sri Suwa Lala Pal, resident of village/Mohalla - Jankisthan, Gaushala Road, Mandal Nagar, Ward No. 2, District - Sitamarhi, at present posted at Public Health Engineering Division, Arra
 9. Kedarnath Singh S/o Sri Muldeo Singh, resident of village + Post - Fuanha, District - Bhojpur (Arrah), at present posted at Public Health Engineering Division, Arra
 10. Lal Bhushan Prasad S/o Late Makhan Prasad, resident of village + Post - Bhaur, Viya - Charpokhari, District - Arrah, at present posted at Public Health Engineering Division, Arra
 11. Bharosa Prasad S/o Late Mahendra Prasad, resident of village - Keshopur, Bakhari, P.O. - Karwan, P.S. - Udwant Nagar, District - Bhojpur, at present posted at Public Health Engineering Division, Ara
 12. Lal Bihari Singh S/o Late Devnath Singh, resident of village + Post - Aran Viya Vikram, District - Patna, at present posted at Public Health Engineering Division, Arra
 13. Garjan Ram S/o Late Jugan Ram, resident of village - Bahire, Post - Nawada, P.S. - Nawada, District - Bhojpur, at present posted at Public Health Engineering Division, Arra
- Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum-Secretary, to Govt. Public Health Engineering Department
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Bisheshariya Bhawan, Baily Road, Patna
3. The Superintending Engineer, Public Health Engineering Circle, Ara
4. The Executive Engineer, Public Health Division, Ara

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh
For the Respondent/s : Mr. Manoj Kr. Ambastha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-12-2016

The small issue has been raised by the petitioners that they were working as daily wages employees, later on, they were allowed to work as work charge establishment for the period from 1st June 2002 to 30th November 2006 and thereafter, the order was passed by the State, thereby reverted back them as daily wages employees which generated litigation before this Court and such type of orders were passed not only against the petitioners but against the large number of persons, on that account, petitioners and others approached this Court in C.W.J.C. No. 706 of 2002 and the Court passed the following order dated 14.01.2002 (Annexure-2).

“The reduction of pay will be subject to the result of the case.”

In pursuance of the order of Division Bench, Three-Men Committee was constituted. The cases of the petitioners and others were considered and ultimately they have been absorbed, vide Office Order no. 194 dated 1st December 2006.

The counsel for the petitioners submits that the period petitioners were reverted, has been treated to be a period of work charge establishment, as the petitioners and others have been paid the salary for the period from 1st June 2002 to 30th November 2006.



The question is limited whether the period petitioners were reverted, will be treated as work charge establishment or will be treated as daily wages, as the payment has been made by the State treating the petitioners as work charge establishment. The next question would be that the aforesaid period will also be counted for the purposes of pensionary benefit as well as the ACP. The State has not disputed the principle that the period of work charge establishment would also be counted for the purposes of pensionary benefit as well as the ACP provided in case of their absorption in the regular establishment which is apparently clear from the judgment reported in **2014 (4) PLJR 229 (State of Bihar vs. Bhagwan Singh)** and the orders passed by this Court in **C.W.J.C. No. 11696 of 2013 (Vijay Kumar and others vs. State of Bihar and others)** and C.W.J.C. No. 14439 of 2013 (**Kapileshwar Ray vs. State of Bihar and others**).

In such view of the matter, the period aforesaid be treated for the purposes of pensionary benefit and A.C.P. The Annexure-7 will be read accordingly.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/12/2016
Transmission Date	

