

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12034 of 2012

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Sharwan Kumar Pandey, S/o Late Shree Ramjee Pandey, resident of Mohalla - Neemganj, Post - Bihar Sharif, Nalanda, at present Kitpalak, Tasar Agrapriyोजना Centre, Kawa Kol, Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Industries, Department (Department of Handloom and Sericulture), Government of Bihar, New Secretariat, Patna.
2. The Finance Commissioner, Govt. of Bihar, Patna.
3. Industrial Commissioner, Govt. of Bihar, Patna.
4. Director, Hast Kargha and Resham, Bihar, Patna, New Secretariat, Patna.
5. Assistant Industry Director (Silk) Industry Department, Jakkanpur, Patna.
6. Agrni Yojna Officer Tasar Agna Priyajan Centre, Kauakol, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Kumar, Adv.
Mr. Dhananjay Kumar Tiwary, Adv.

For the State : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Sunita Kumari, AC to AAG-13
Mr. Ravi Kumar, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 11-08-2016



This application has been filed, under Article 226 of the Constitution of India, seeking quashing of an order, as contained in memo No. 816, dated 19.04.2012, issued by the Director, Hast Kargha and Resham, Bihar, Patna, whereby the petitioner's representation, dated 04.02.2012, claiming reckoning of the period during which he worked as daily wage employee in the Central Processing Plant, Industries Department, Government of Bihar, Biharsharif at Nalanda, for the purpose of fixation of his Pension including other retiral benefits has been rejected.

2. The facts are short and not in dispute.

3. Admittedly, the petitioner and others were appointed on daily wage basis. The petitioner claims that he worked on daily wage basis since 24.09.1969. A writ application was filed before this Court, giving rise of C.W.J.C. No.7249 of 1991, by the petitioner and other similarly situated persons. The Court disposed of the said writ application by an order, dated 16.10.1996, in the following terms:-

"However, it is made clear that till the posts are created and the services of the petitioners are permanently observed, status co, in so far as the services of the petitioners are concerned cannot be disturbed. It is however further made clear that after

the post are created and the petitioners are absorbed against such posts, the petitioners will be treated as permanent employees from the date of absorption. They will not be given any benefit by way of differences of pay for the period during which they worked on daily wages basis."

4. The petitioner, thereafter, approached this Court by filing another writ application, giving rise to C.W.J.C. No. 216 of 2012, seeking a direction for reckoning of his period of service with effect from 24.09.1969, for the purpose of grant of Pension. The petitioner retired with effect from 31.12.2011. This Court disposed of the writ application, bearing C.W.J.C. No. 216 of 2012, *vide* an order, dated 23.01.2012, with a liberty to the petitioner to file a representation with all relevant documents before respondent No. 3 and respondent No. 3, in turn, was directed to disposed of the said representation within a period of two months. In that background, the impugned order has been passed.

5. From the facts on record, it is evident that when the petitioner was engaged on daily wage basis, there was no post sanctioned. This Court while disposing of C.W.J.C. No. 7249 of 1991, *vide* order, dated 16.10.1996, had made it clear that the petitioner shall not be given any benefit for

the period during which he had worked on daily wage basis. It was also indicated that the petitioner and others will be treated as permanent employees from the date of their absorption. The service of the petitioner came to be absorbed, admittedly, with effect from 26.09.1998 on substantive and permanent basis, as has been noticed above.

6. I do not find any infirmity in the order impugned.

7. Accordingly, I find no merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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