

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14855 of 2012

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Narendra Kumar Sinha Son Of Late Raj Mangal Prasad Sinha Resident Of Village-
Parsa, P.O. Nagma P.S. Naubatpur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Water Resources
Department, Government Of Bihar, Patna
2. The Engineer-In-Chief, Water Resources Department, Government Of Bihar,
Patna
3. The Chief Engineer, Water Resources, Muzaffarpur
4. The Superintending Engineer, Drainage Investigating Circle, Muzaffarpur
5. The Executive Engineer, Water Ways Division, Irrigation, Muzaffarpur
6. The Union Of India, Through The Accountant General, Bihar, P.S. Kotwali,
District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRAVIN KUMAR SINHA

For the Respondent/s : Mr. RADHIKA RAMAN GP23

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 30-01-2016

The petitioner was appointed as class IV daily wage
worker on 11.04.1979 in Water Ways Division, Irrigation,
Muzaffarpur, under the policy decision of the State Government as
contained in resolution no. 489 dated 10.05.2005, and by resolution
dated 16.03.2006 contained in memo no. 639 of Personnel and
Administrative Reforms Department, the petitioner was absorbed
in regular establishment of Water Resources Department and he
was appointed as Peon vide Office Order No. 151, dated
14.08.2008, issued by the Chief Engineer, Water Resources

Department, Muzaffarpur. Photocopies of resolutions dated 10.05.2005, 16.03.2006 and letter of appointment dated 14.08.2008 are annexed as Annexure – A series to the counter affidavit.

Learned counsel for the State submits that the petitioner is not entitled to pensionary benefits as he has worked on regular post after 01.09.2005 on which date the new contributory pension came into effect. Apart from this he has worked only for three and half years in the regular establishment of the Water Resources Department.

On the other hand, learned counsel for the petitioner placing reliance upon letter no. 14/Waad-2-156/-3-1323, dated 10.11.2003 submits that the previous service of daily wage employee, would too be counted.

The concluding portion of letter dated 10.11.2003 is quoted hereinbelow for easy reference:-

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In reply, learned counsel for the State submits that the aforesaid letter could not come to the aid of petitioner as he worked in regular post only since 2006.

Considering the facts stated above, the matter is remitted to the Principal Secretary, Water Resources Department, Government of Bihar, to take composite decision in the matter whether in view of government circular, a daily wage employee like the petitioner who has been regularized in service, his past service can be counted for calculation of retiral benefits.

It goes without saying that the Principal Secretary would dispose of the matter within four months from the date of receipt of a copy of this order.

(Samarendra Pratap Singh, J)

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