

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1719 of 2015

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Jai Ram Mahto son of Late Raghunath Mahto Resident of Village - Barwat
Prasraeen, Police Station - Bettiah Muffasil, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Old Secretariat, Patna.
3. The Chief Engineer, Water Resource Department, Balmiki Nagar, District - West
Champaran.
4. The Executive Engineer, Tirhut Canal Division No. 1, Bettiah, West Champaran.
5. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Respondent/s : Mr. P. K. Verma, AAG-3

Ms. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-12-2016

Pursuant to the recommendation made by the Selection Committee, office order dated 12.09.2009 was issued by the respondent No.3 whereby the petitioner was appointed as class-IV employee. The said office order mentions in specific terms that the appointment would be from the date of joining. The office order further mentions that past service rendered by the petitioner as a daily wage employee shall not be considered under the government for any purpose.

2. The petitioner agreed to the said terms of

condition of the employment and joined his duty on 15.09.2009. He retired on 31.07.2013.

3. In the present writ petition, the petitioner has prayed that his past service rendered as daily wage employee may also be counted as qualifying period for pension.

4. In my view, the contention of the petitioner cannot be accepted. The service rendered by a daily wage employee cannot be said to be a service for which he is paid from general revenue of the State or the service rendered on a substantive post in permanent establishment. The issue raised in the present writ petition by the petitioner has been answered by the Full Bench of this Court in the **State of Bihar and another vs. Bhagwan Singh (since dead) [(2014) 4 PLJR 229]** wherein it has been held that the service rendered by a daily wage employee is not a pensionable service.

5. In that view of the matter, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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