

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1138 of 2013**

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Hari Charan Choudhary, Son of Late Ram Prasad Choudhary, resident of  
Dost Nagar, P.S. Maner, District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Chief Engineer, Public Health Engineering Department, Bihar, Patna.
4. The Secretary, Bihar State Water Board, West Boring Road, Patna.
5. The Executive Engineer, Bihar State Water Board, Work Division, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Respondent/s : Mr. Anil Kr Uapdhyay, SC-20

For Respondent Nos. 4 & 5: Mr. Inderjeet Singh, Advocate

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

4      23-09-2016                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the State.

2. The petitioner prays for retiral benefits.

3. A counter affidavit has been filed on behalf of  
  
respondent nos. 4 and 5 stating that the petitioner would not be  
entitled to retiral benefits, as he cannot be treated as a government  
servant. According to the respondents, the petitioner was engaged  
on Muster Roll w.e.f. 01.12.1980, under Public Health Mechanical  
Division, Patna. His services were transferred to Bihar Rajya Jal  
Parishad, Works Division, Patna (hereinafter referred to as ‘the  
BRJP’) w.e.f. 01.04.1985. Thereafter the petitioner was appointed



in Work Charge Establishment w.e.f. 01.02.1988, on the post of Sweeper-cum-Khalasi, in the pay scale of Rs.350-425/- and was posted at Punaichak Pumping Plant, under BRJP, vide office, order no. 191, bearing Memo No. 560, dated 30.03.1988, issued by the Executive Engineer, Public Health Mechanical Division, Patna (Annexure-2 to the writ petition). Later on, in the light of letter no. 8954, dated 23.07.1975, issued by the Finance Department of Personal and Administrative Reforms, Government of Bihar, Patna, the petitioner was reverted from Work Charge Employee to Muster Roll on daily wages, w.e.f. 01.08.2003, vide office order, as contained in Memo No. 1863, dated 05.06.2004, issued by the Secretary, BRJP, Patna. Thereafter, the petitioner was relieved from duty on 31.03.2012, after attaining the age of 60 years.

4. Learned counsel for the petitioner submits that the petitioner ought to have been regularized in Work Charge Establishment, as he has completed more than five years in Work Charge Establishment, in view of the circular of the State Government, bearing Memo No. 3058, dated 22.10.1984, and resolution of the Finance Department, bearing no. 6394(2), dated 23.10.1987. He further submits that in view of the aforesaid circulars, this Court vide order, dated 10.04.2012, directed the

petitioner of C.W.J.C. No. 9317 of 2007, to be regularized.

Learned counsel further submits that the case of the petitioner is too covered under order, dated 10.04.2012, passed in C.W.J.C. No. 9317 of 2007.

5. The writ application is too disposed of in terms of order, dated 10.04.2012, passed in C.W.J.C. No. 9317 of 2007.

**(Samarendra Pratap Singh, J.)**

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