

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14465 of 2017

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Subhash Chandra Bhardwaj, Son of Late Yugal Prasad Singh, Resident of Village +
P.O. Naya Nagar, P.S. Hasanpur Road, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Joint Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Engineer-in-chief-cum Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. The Chief Engineer (Mechanical), Department of Public Health Engineering Government of Bihar, Patna.
6. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
7. The Executive Engineer, Public Health, Division, Begusarai.
8. The Sub-Divisional Engineer, Barauni Sub- Division District- Begusarai.
9. The District Magistrate, Begusarai.
10. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following



reliefs:

“That this is an application for issuance of a writ in the nature of mandamus or an appropriate writ/order or direction commanding the respondents to pay the retirement benefits to the petitioner including.

- (i) Full amount of pension.
- (ii) Full Amount of Gratuity.
- (iii) Full amount of leave Encashment of 300 days.
- (iv) Arrears of salary.
- (v) Arrear of pension after granting due promotion to the petitioner.
- (vi) Revise the pension as per recommendation of VIth and VIIth pay commission revision.

By counting the total length of service of the petitioner spent under work charge establishment till his date of retirement from service as per notification of Finance Department i.e. letter no. 1392 dated 31.3.2004 (Annexure-5) and as per the order dated 15.05.2013 passed by the Division Bench of Hon'ble Patna High Court in L.P.A. No. 416 of 2013 and order dated 29.09.2015 passed by the Hon'ble Division Bench vide Civil Review No. 210/2014 (Annexure 6,7,8 and 9) to the application And be pleased to grant the payment with an interest of 12% per annum on delayed payment as after retirement in the year 2012 nothing has been paid to the petitioner in an arbitrary and illegal manner and/or be further pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the State submitted that the petitioner has not come the Court with clean hands and has suppressed vital facts. He submitted that earlier the petitioner had thrice approached the Court and lastly he has filed C.W.J.C. No.



7513 of 2016 for basically the same relief and the same has been admitted on 22.08.2016 and the present case has been filed without disclosing about the said case filed by him.

4. Learned counsel for the petitioner submitted that the said case was filed seeking continuity in service whereas, the present case has been filed seeking pensionary benefits moreso, in light of the liberty given by the Court in another case i.e. L.P.A. No. 416 of 2013 (The State of Bihar vs. Sheela Devi and Others).

5. Having considered the matter, the Court upholds the objection of learned State counsel. The relief prayed for by the petitioner in C.W.J.C. No. 7513 of 2016 reads as under:

“1. That this is an application for issuance of a writ in the nature of mandamus or an appropriate writ, order or direction commanding the respondents to (i) count the service of the petitioner from the date of his appointment i.e. from 24.09.1988 in the work charge establishment, till the date of his superannuation i.e. 27.04.2012 for the purpose of calculating the minimum qualifying service of the petitioner (i.e. from 24.09.1988 to 27.04.2012) as per the circular of finance Department bearing its letter No. 1393 dated 31.03.2004 (Annexure-5) which is clarified by the Division Bench of Hon'ble Patna High Court vide order dated 15.05.2013, passed in L.P.A. No. 416/2013 (The State of Bihar-Vs-Sheela Devi (Annexure-6 series) which has not been done in case of the petitioner in a wrong, arbitrary and illegal manner and (ii) pay the pay-arrear to the petitioner accordingly as per the rule laid down in this, respect and (iii) pay the arrear of pension after granting due promotions to him and accordingly (iv) revise the pension of the petitioner as per the Recommendation of VIth pay Commission Revision



and/or (v) be further pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.”

6. From the above, it is obvious that the reliefs prayed for in the present writ petition is covered by the relief sought in the other case. What is more surprising is that the petitioner, under an obligation to state all facts, has in fact not even whispered about C.W.J.C. No. 7513 of 2016 in the present writ application which clearly is an attempt to hoodwink the Court and in fact, appears to be a desperate attempt to get over the fact that the other case has been admitted and likely to take some time before it is finally heard.

7. The Court cannot accept such smart play by the petitioner. The Court was, thus, of the view that cost be imposed.

8. At this stage, learned counsel for the petitioner submitted that he may be permitted to withdraw the writ petition and tenders apology.

9. In view thereof, the writ petition stands dismissed as withdrawn.

(Ahsanuddin Amanullah, J.)

P. Kumar

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