

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10047 of 2014

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Sri Ballabh Prasad Singh Choudhary, Son of Late Ramni Raman Singh Choudhary, resident of Mohalla- Choudhary Tola, P.S. Sultanganj, Distt. Patna. at present retired from Saran Canal Division, Gandak Project, Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Water Resources Deptt., Govt. of Bihar, Sinchai Bhawan, Patna- 1.
3. The Additional Secretary, Water Resources Deptt., Govt. of Bihar, Sinchai Bhawan, Patna- 1
4. The Commissioner-cum-Secretary, Water Resources Deptt., Govt. of Bihar, Sinchai Bhawan, Patna- 1.
5. The Engineer-in-Chief (North Bihar) Water Resources Deptt., Govt. of Bihar, Sinchai Bhawan, Patna- 1
6. The Chief Engineer, Water Resources Department, Govt. of Bihar, Anishabad, Patna.
7. The Executive Engineer, Water Resources Department, Punpun Division, Patna
8. The Chief Engineer, Water Resources Department, Siwan
9. The Executive Engineer, Saran Nahar Pramandal, Gandak Yojana, Chapra, Saran
10. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
Mr. Alok Kumar Jha

For the Respondent/s : Mr. Shashi Shekhar Pd Sinha, AC to GA-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT

Date : 10.03.2017

The instant writ application has been filed by the petitioner for issuance of a direction to the respondents for payment of pension and retirement benefits as he has served the State Government for over three decades as a daily wages worker.



2. In the opinion of this Court, the writ application is misconceived, The service of a Government servant does not qualify for pension unless the appointment is substantive and permanent. In this regard, it would be relevant to take note of Rule 58 of the Bihar Pension Rules, 1950, which reads as under:-

“**Rule 58.** The service of a Government servant does not qualify for pension unless it conforms to the following three conditions:-
First- The service must be under Government.
Second-The employment must be substantive and permanent.
Third- The service must be paid by Government.”

3. Since the employment of the petitioner was neither substantive nor permanent, no mandamus can be issued to the State to pay him pension. Accordingly, the writ application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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