

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16491 of 2015

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Bhuvneshwar Paswan, won of Late Santokhi Das, Resident of Village –
Kathariya, P.O. - Kathariya, Via – Naugachia, P.S. - Kursaila, District –
Katihar

... .. Petitioner/s

Versus

- 1.The State Of Bihar through the Engineer in Chief-cum-Additional
Commissioner-cum Special Secretary, Road Construction Department , Bihar,
Patna
3. The Additional Secretary , Road Construction Department , Government of
Bihar , Patna
4. The Superintending Engineer , Road Construction Department, Road
Ancha, Purnea
5. The Executive Engineer, Road Construction Department , Road Division,
Katihar
6. The Executive Engineer , Road Construction Department , Road Division,
Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Verma Advocate Mr. Suresh Prasad Sah @ Baranwal Advocate
For the Respondent/s	:	Mr. Niraj Kumar Sinha AC to PAAG-2
For the Accountant General	:	Mr. Bindhyachal Rai Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date : 19-08-2017

Heard learned counsel for the parties.

Petitioner worked on a daily wage for a long period of
time. When the scheme for regularization was applied to



such employees even the petitioner became a beneficiary and by virtue of notification issued by the respondents, he was taken on as a regular employee, joined, worked and superannuated in the year 2013.

Everything stands paid to the petitioner for the period of work, except pension. The reason for non-grant of pension is because the number of years of service of the petitioner does not add up to 10 years of qualifying service and, therefore, through the present writ application an effort is being made to beget the benefit of pension on the argument that the recommendation for regularization was made by a Four-Member-Committee as far back as in the year 2000. The Superintending Engineer sat over the matter for four years and because of this delay caused at the instance of the respondents the petitioner is suffering, which is not permissible.

With due respect to learned counsel for the petitioner proposals and decisions till they culminate into formal notifications are of no avail. Even otherwise if the proposal was made and not acted upon and the matter



remained in limbo, the petitioner could have very well approached the Court of law or any superior authority to expedite the same.

Not only this, after the notification the petitioner accepted the terms and conditions of the notification, joined the post in the year 2004. After two years of superannuation he realizes that he will not get pension, because the number of years do not add up to him he moves the writ court. The manner in which the petitioner wants to drag his regularization to an earlier period is not supported by any law or decision. The entitlement for pension will flow in terms of the Rules. If the State Government has fixed minimum 10 years of service for begetting benefit of pension, which does not add up in case of the present petitioner, then this Court cannot find ways and means to create a situation, by which he can derive benefit of pension.

The facts being what they are, the decision of the respondents, not extending benefit of pension to the petitioner, cannot be said to be bad in law.



Writ Application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	23.08.2017
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