

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11010 of 2015

=====

1. Onkar Nath Singh Son of Dr. S.R. Rai Residence of M - 3/2, Road No. 11, Rajendra Nagar, P.S. Kadam Kuan, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Health, Medical Education and Family Welfare, Bihar, Patna
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Bihar, Patna
3. The Principal Secretary, Department of Finance, Bihar, Patna
4. The Director, Indra Gandhi Institute of Medical Science, Sheikhpura, Patna
5. The Finance Cum Chief Accounts officer, Indira Gandhi Institute of Medical Science, Sheikhpura, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Sr. Adv.
For the IGIMS : Mr. Sunil Kumar Singh, Adv.
For the State : AC to SC 25

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

6 21-09-2017 Writ of the petitioner has been filed for a direction upon the respondents specially the Director of Indira Gandhi Institute of Medical Science, (I.G.I.M.S.) for payment of pension etc. on the so called superannuation of the petitioner from their service.

After having heard learned senior counsel for the petitioner extensively and having perused the record, the court is prima-facie satisfied that no case is made out for a mandamus in view of the fact that the petitioner was never an employee of



I.G.I.M.S.

Petitioner was an employee of a Public Undertaking, namely, Hindustan Steel Constructions Limited. He was working in the Regional Office, Patna as a Zonal Engineer (C), when his service was lent to I.G.I.M.S. on deputation. Order is dated 04.09.1991 (Annexure-2 to the writ application).

Petitioner joined at I.G.I.M.S. and obviously found the working in the said institution more congenial if not rewarding and therefore, behind the seen activities started of somehow remaining in the service of I.G.I.M.S. There are materials to indicate that H.S.C.L. sent many communications to I.G.I.M.S. to release his employee on completion of deputation, but somehow the petitioner made himself indispensable to the authorities who were at the helms of affairs at I.G.I.M.S. A two member committee which included an Acting Director of I.G.I.M.S. decided to retain the service of the petitioner without the consent of concurrence of H.S.C.L. but that service was retained on contract and in that capacity the petitioner superannuated on completion of age of 60.

The effort on the part of the petitioner through this writ application is to declare him to be a regular employee of I.G.I.M.S. so that he could derive benefit of pension and other post



retrial dues at par with the government servant. However, the respondent authorities of the I.G.I.M.S. have negated such a demand. They have clearly indicated in their counter affidavit, the circumstance under which the petitioner came to the institution the manner in which he was hired on contract. The terms and conditions of his engagement is further elucidated in 'Annexure-D' to the counter affidavit. The petitioner accepted the terms and conditions and now he cannot be allowed to go beyond the same and demand something which was never envisaged within the framework of the Rules of Service jurisprudence.

The Court is satisfied that the writ petition has filed not for the purpose of assertion of a right but for taking a chance to ensure a comfortable life after superannuation.

The writ application has no merit whatsoever and is dismissed accordingly.

(Ajay Kumar Tripathi, J)

sushma/-

U			
---	--	--	--

