

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12194 of 2014

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Birendra Kumar Maharaj son of Shiv Kant Maharaj, resident of village Singi, P.S.
& District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna
2. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Government of Bihar, Patna
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna
4. 4. The Superintending Engineer, Public Health Engineering Circle, Darbhanga
5. The Executive Engineer, Public Health Engineering Division, Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate
Mr. Sushil Kumar Jha, Advocate
Mr. Surya Kant Mishra, Advocate

For the State : Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 24-03-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The prayer for the petitioner in the present writ application is for a direction to be issued to the respondent to count the past services spent by him in the work charge establishment for fixation of pay-scale and pensionary benefits.



3. It is submitted by the leaned counsel for the petitioner that the case of the petitioner is squarely covered by the judgment in **Sheela Devi vs. State of Bihar and Ors. (CWJC No. 2246 of 2012)** wherein it has been held that where the employee was being paid regular salary in work charge establishment and deductions were being made from his salary for being deposited in General Provident Fund and the employee was subsequently absorbed under regular establishment, the State was bound to take into account his period spent on work charge establishment for the purpose of making his service pensionable.

4. The grievance of the petitioner, in the present writ application, is that though respondent-State is counting the service rendered by him in work charge establishment for the purpose of pension, the computation of pension has not been done in terms of order passed in **Sheela Devi vs. State of Bihar** (supra).

5. Considering the submission made on behalf of the petitioner, he is directed to file representation before respondent no. 2 within a period of three weeks from today annexing a copy of this order as well as judgment passed in **Sheela Devi vs. State of Bihar** (supra).

6. In case, the representation is filed by the petitioner, an appropriate order would be passed within a period of



two months from the date of receipt of a copy of the representation.

In case, it is found that the case of the petitioner is covered by the decision made in **Sheela Devi vs. State of Bihar** (supra), the petitioner shall be given all the benefits and be paid all the dues, if not paid, within a period of one month from the date of disposal of the representation.

7. With the aforesaid observations and directions, the writ application is disposed of.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2017
Transmission Date	NA

