

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2040 of 2016
IN
Civil Writ Jurisdiction Case No. 17700 of 2015

Om Prakash Singh, son of Late Ayodhya Prasad Singh, resident of Village-Ganaili, P.O. Madhodih, Police Station- Tarapur, District-Munger.

.... Appellant

Versus

1. The State of Bihar.
2. The Accountant General, Bihar, Patna.
3. The Secretary Department of Minor Irrigation, Government of Bihar, Patna.
4. The Chief Engineer, Department of Minor Irrigation, Bihar, Patna.
5. The Superintendent Engineer, Department of Minor Irrigation, Munger.
6. The Executive Engineer, Department of Minor Irrigation, Munger.
7. The Assistant Engineer, Department of Minor Irrigation, Haveli Kharagpur, District- Munger.
8. The District Provident Fund Officer, Munger.
9. The Treasury Officer, Munger.

.... Respondents

Appearance :

For the Appellant : Mr. Binay Kumar, Advocate.
For the Respondents : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 09-05-2017

Seeking exception to an order dated 09.09.2016 passed
by the learned Writ Court in C.W.J.C. No. 17700 of 2015, this appeal



has been filed under Clause 10 of the Letters Patent.

The petitioner was working as a Pump Operator in the work charge establishment and after his retirement, filed a writ petition claiming pensionary benefit and regularization.

The learned Writ Court initially directed the Department to examine the claim. The Department after examining the claim rejected to the same and therefore, the writ petition was filed. The question before the learned Writ Court was as to whether an employee who is working in work charge establishment was entitled to the pension under the Bihar Pension Rules, 1950. Taking note of a decision of this Court in the case of the **State of Bihar & Ors. Vs. Bimli Devi, 2016(1) PLJR 452**, the writ petition has been dismissed. In the case of Bimli Devi(supra), it has been held that a person working in the work charge establishment is not a government servant and only such employees are entitled for pension who are employees in substantive permanent post and a person working in the Department as in work charge establishment which is not a regular establishment is not entitled for pension.

In view of the aforesaid judgment rendered by the Division Bench, we find that the learned Writ Court has not committed any error in dismissing the writ petition. We also see no reason to make any indulgence in the matter since the law laid down in the case of Bimli Devi (supra) a recent decision, a person working



in the work charge establishment is disentitled to claim for pension.

The appeal stands dismissed.

(Rajendra Menon, CJ)

U.K./-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.05.2017
Transmission Date	

