

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1527 of 2016

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Ram Yatan Roy Son of Late Gangaram Roy Resident of village + Post - Cheria,
P.S. Bhagwanpur, District - Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
3. The Joint Secretary, Public Health Engineering Department, Bihar, Patna
4. The Engineer - in - Chief - Cum - Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
5. The Chief Engineer (Mechanical), Department of Public Health Engineering, Govt. of Bihar, Patna
6. The Superintending Engineer, Public Health Engineering Circle - Begusarai
7. The Executive Engineer, Public Health Division, Begusarai
8. The Sub - Divisional Engineer, Barauni Sub - Division, District - Begusarai
9. The District Magistrate, Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Adv.

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the parties.

This writ petition is filed seeking a direction to the respondents to count the service of the petitioner from the date of his appointment in the work charge establishment i.e. 19.2.1988 until his date of superannuation i.e. 31.1.2015 and for which the petitioner relies upon a circular bearing No. 1393 dated 31.3.2004 of the State Government, a copy of which is enclosed at Annexure 5 to the writ petition, whereby in reference to the circular of the Finance Department bearing No. 1503 dated 27.3.1987 it has been stipulated



that the period spent in the work charge establishment would be counted for the purpose of continuity for determining the pension and gratuity. The petitioner also relies upon certain judgments of this Court on the issue, copies of which are enclosed with the writ petition.

However, in the process the petitioner has failed to draw the attention of the authority concerned for grant of such relief and in absence of which I deem it proper to dispose of the writ petition with the liberty to the petitioner to raise his grievance before the authority concerned i.e. respondent no.4 and it goes without saying that any such grievance raised by the petitioner shall be considered and disposed of by the respondent no.4, Engineer-in-Chief, either by himself or by delegating the same to any other authority competent to do so. The disposal be in accordance with law and by a speaking order to be passed within a period of three months of filing of such representation.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2018
Transmission Date	NA

