

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9684 of 2016

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Krishnanand Jha Son of late Udhab Narayan Jha Resident of Village- Shankarpur,
P.O Kako,P.S. Bhairav Ashtan(Jhanjharpur) District Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Principal Secretary, General Administration Department Govt. of Bihar, Patna.
5. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
6. The Chief Engineer (Mechanical) Public Health Engineering Department, Govt. of Bihar, Patna.
7. The Zonal Chief Engineering, Bhagalpur Zone, Department of Public Health Engineering.
8. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
9. The Superintending Engineering, Public Health Engineering Circle Saharsa.
10. The Executive Engineer, Public Health Engineering Division, Khagaria.
11. The District Accounts Officer, Khagaria.
12. The Treasury Officer, Khagaria.
13. The Accountant General (A & E) Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Adv.
For the Respondent/s : Mr. Manish Kumar, AC to AAG-6
For respondent no.13 : Mr. Kameshwar Prasad Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-03-2018

Heard the parties and in the nature of grievance raised as well as in consideration of the position that despite a lapse of one year, no counter affidavit is filed, I am persuaded to consider the claim on the basis of material on record.

The petitioner prays for an appropriate direction to the respondents to count/ calculate the entire service period of the



petitioner from the date of his initial appointment in the work charge establishment which is 21.10.1982 until his date of superannuation on 31.1.2016, for the purpose of calculation of qualifying service of the petitioner for post retiral benefits.

The facts on record would reflect that the petitioner was initially appointed as daily wager on the post of Work Inspector, brought into the work charge establishment on 21.10.1982 and which was followed by his absorption therein on 25.7.1983 vide Annexure 3. The petitioner was subsequently absorbed in regular establishment vide order dated 18.1.1996 vide Annexure 4 but this order was stayed vide order dated 1.3.1996 at Annexure 5 and the petitioner was reverted to the status of work charge. Ultimately the petitioner has been regularized on a Group-D post of Nalkup Khalasi on 29.11.2006 at Annexure 7 and from which post he has superannuated on 31.1.2016.

The short submission made by Mr. Siyaram Pandey, learned counsel for the petitioner, is that in view of the circular of the respondents themselves bearing Memo No. 1393 dated 31.3.2004 at Annexure 9 the entire service of the petitioner has to be counted for the purpose of determining superannuation benefits. Not being provided with such relief, that he is before this Court.

Having heard learned counsel for the parties and considering



the nature of relief so prayed which is in tune with own circular of the State Government dated 31.3.2004 and considering the continuity of service of the petitioner as well as legal position settled by this Court on similar issue, I deem it proper to dispose of the writ petition with direction to respondent no.6, Chief Engineer (Mechanical), Public Health Engineering Department, to consider the grievance of the petitioner and dispose of the same in accordance with law by a speaking order to be passed within a period of eight weeks of the receipt/ production of a copy of this order.

The writ petition is disposed of with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2018
Transmission Date	NA

