

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 529 of 2015

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Ramayan Singh Son of Late Suraj Singh resident of village - Ekdanga Navkatola,
Police Station - Mirganj, District - Gopalganj at present posted as Pump Operator at
Mechanical Sub - Division, Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner cum Principal Secretary, P.H.E.D.,
Bishweshraiya Bhawan, Bailey Road, Patna
2. The Engineer-in-Chief Cum Special Secretary, (Mechanical), Public Health
Engineering Department, (P.H.E.D.), Bishweshraiya Bhawan, Bailey Road, Patna
3. The Superintending Engineer, (Mechanical), Public Health Engineering
Department, (P.H.E.D.), Bishweshraiya Bhawan, Bailey Road, Patna
4. The Superintending Engineer, (Mechanical), P.H. Circle, Muzaffarpur
5. The Executive Engineer (Mechanical), P.H. Division, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Kumar Veerendra Narayan, Advocate
For the S t a t e	:	Mr Rajiv Roy, GP I with Mr Suresh Kr, AC to GP I

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-03-2018

Heard learned counsel for the petitioner and the State.

2 The writ petition was originally filed by the petitioner for a direction that the services of the petitioner may be placed/posted as Electrician. The said prayer was made since subsequent upon his regularization on 30.11.2006, the petitioner was appointed as Pump Operator whereas prior to his regularization, he was working as Electrician. During pendency of the writ petition, the petitioner has superannuated from service. It is now his contention that he is entitled for counting his entire period from the time, he came in the



work charge establishment that is from 23.03.1988 for all pensionary benefits, ACP, MACP. He submits that under similar circumstances as the petitioner, this Court, by order dated 22.11.2017 passed in *CWJC No 13340 of 2015* has allowed such relief to the petitioner therein. Whether the petitioner's case is covered by the said judgment or not, it is for the authorities to consider and if he is found similarly situated, the respondents would be obliged to extend the same benefit to the petitioner as has been directed by this Court in the said order dated 22.11.2017 passed in *CWJC No 13340 of 2015*.

3 In respect of his claim for pay protection, he relies upon Annexure 19 which is a Minutes of the Meeting dated 14.11.2016 contained in Memo No 1193 dated 07.12.2016. Whether the Minutes of the said Meeting finally crystallized into any decision to grant the benefits of pay protection to the employees such as the petitioner is not apparent from the said Annexure 19.

4 Learned counsel for the petitioner submits that he would approach the authorities for being granted benefits of pay protection in light of Memo No 1193 dated 07.12.2016 as also for counting of his entire period from the date he came in the work charge establishment that is 23.03.1988 till his superannuation including all pensionary benefits, ACP, MACP relying upon the decision in *CWJC No 13340 of 2015* in the case of Sri Bachcha Dubey which has been



noticed above.

5 The petitioner may make his detailed representation in support of his aforesaid claims and if the petitioner is found similarly situated in respect of the claim as that of the petitioner Sri Bachcha Dubey of *CWJC No 13340 of 2015*, the respondent-authority would be obliged to extend the same benefit as has been extended to Sri Bachcha Dubey. In respect of his claim of pay protection, the petitioner's claim would be considered in light of Memo No 1193 dated 07.12.2016, if the same has culminated into a decision subsequent to the said meeting dated 14.11.2016. The respondents, however, would be obliged to dispose of the same in accordance with law by a speaking order within eight weeks from the date of receipt/production of a copy of this order.

6 With these observations and directions, this writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2018
Transmission Date	NA

