

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22503 of 2011

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Jagdish Yadav Son Of Late Ghuran Yadav Resident Of Village Barari, P.O.
Barari, District-Bhagalpur.

... .. Petitioner/S

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Fo Bihar, Old Secretariat, Patna.
2. The Secretary, Department Of Science And Technology, Government Of Bihar, Patna.
3. The Director, Department Of Science And Technology, Government Of Bihar, Patna.
4. Deputy Director, Department Of Science And Technology, Government Of Bihar, Patna.
5. Assistant Director, Department Of Science And Technology, Government Of Bihar, Patna.
6. Principal, Bihar College Of Engineering, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Sr. Advocate Mr. Virendra Prasad, Advocate Mr. Ugranath Mallik, Advocate Mr. Birendra Narayan Sharma, Advocate
For the Respondent/s	:	Mr. Rajendra Kr. Jha GP18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 11-09-2018 The instant writ application was filed by the petitioner for quashing of the order as contained in Memo No. 1950 dated 08.07.2010, whereby the Director, Department of Science & Technology, Govt. of Bihar rejected the representation of the petitioner for regularization of his service from retrospective effect. Since the case of the petitioner was considered in terms of Resolution No. 639 dated 16.03.2006 which does not provide for grant of regularization from retrospective date, the case of the petitioner was rejected.



Mr. Yugal Kishore, learned Senior Counsel appearing for the petitioner submits that in terms of Rule 59 of the Bihar Pension Rules, 1950 the petitioner is entitled to grant of pension as the service rendered by the petitioner deserves to be computed for the purpose of qualifying period of service for grant of pension. Mr. Yugal Kishore relied upon an oral judgment dated 02.05.2018 in CWJC No.14304 of 2015 passed by a learned Single Judge of this Court where the Court has considered the service rendered by the petitioners for three decades as daily wage employees for the purpose of grant of pension under Rule 59 of the Bihar Pension Rules, 1950. The aforesaid writ petition was disposed of in the following manner:-

“In view of such submissions, the writ petition is disposed of with liberty to the petitioners to make a detailed and comprehensive representation before the respondent no.1, the Principal Secretary, Road Construction Department, Government of Bihar. Such representation may be filed by the petitioners within three weeks from today. On such representation being filed, respondent no.1 shall be obliged to consider the claim of the petitioners with reference to the provisions contained in Rule 59 of the Bihar Pension Rules, 1950 and other relevant rules/governmental decisions in this regard including



the governmental decision in Memo No. Pen/1024/69/11779 F dated 12.8.1969 within a period of eight weeks thereafter.”

In view of the above, the present writ petition stands disposed of with the same direction.

(Anil Kumar Upadhyay, J)

mrl./-

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