

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14304 of 2015

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1. Bimal Kumar Roy, son of Late Basant Kumar Roy, resident of C/O Surendra Prasad You, Gosai Tola, P.S. Patliputra, District- Patna
 2. Akhileshwar Kumar Verma, son of Late Damodar Prasad, resident of village-Bankat, P.S. Barauli, District- Gopalganj
 3. Dilip Kumar Sinha, son of Late Shyam Bihari Prasad, resident of Mohalla-Pathar-ke-Maszid, Tikari Road (Devi Asthan), Moglani Bagh, P.S.- Sultanganj, District- Patna
 4. Ashok Kumar Sinah, son of Late Shyam Bihari Prasad, resident of Mohalla-Pathar-ke-Maszid, Tikari Road (Devi Asthan), Moglani Bagh, P.S.- Sultanganj, District- Patna
 5. Baban Prasad Sinha, son of Late Ishwar Lal, C/O Maheshwar Prasad Ambasth, resident of Mohalla- Radha Krishna Colony, Road No. 1, P.S. Beur, District- Patna
 6. Ashok Kumar, son of Jagnarayan Pandit, Resident of Mohalla- Nalbandtoli (Gulzarbagh), P.S. Alamganj, District- Patna Petitioners
- Versus
1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna
 2. The Under Secretary to Government of Bihar, Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna
 3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna
 4. The Chief Engineer (South Bihar Zone), Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna
 5. The Additional Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna
 6. The Superintending Engineer, Central Circle, Road Construction Department, Chhajubagh, Patna
 7. The Executive Engineer, New Capital Sub-Division, Road Construction Department, Lodipur, Patna Respondents
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Appearance :

For the Petitioners : Mr. Ajoy Kumar Chakraborty, Advocate

For the Respondents : Mr. S K Mandal, SC 3 and N.Kumari, Advocate
and Mr. Arjun Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 02-05-2018

Heard counsel for the petitioners and the State.

All the petitioners in the instant case being engaged on daily wages between July to December, 1984 have discharged their



duties for nearly 30 years. They came to be regularized in 2013.

Counsel for the petitioners submits that the petitioners have been regularized by order dated 30.10.2013. Their claim for counting their past services rendered for about 30 years as daily wage employees have not been considered and thereby they are deprived of the benefits of the pension and other post retiral dues. It is submitted by the counsel for the petitioners relying upon Rule 59 of the Bihar Pension Rules, 1950 that petitioners seek their claim for consideration by the authorities in light of the provision contained in Rule 59 of the Bihar Pension Rules and other Governmental decisions in this regard so that the claim for counting the service for the period 1984 to 2013 as qualifying service for the purpose of grant of pension and other post retiral dues may be considered by the authorities.

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 contained in Memo no. Pen 1024/69/11779 F dated 12.8.1969 within a period of eight weeks thereafter.

The writ petition is disposed of with the aforesaid observations and directions.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2018
Transmission Date	NA

