

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9578 of 2016

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1. Shashi Bhushan Ojha Late Ram Dayal Ojha, Resident of village- Sardha Dambar (Ojha Tola) Police Station- Motihari , District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar Patna
2. The Additional Secretary, Department of Finance, Bihar, Patna
3. The Engineer in Chief, Public Health and Engineering Department, Bihar, Patna
4. The Engineer in Chief, Public Health and Engineering Department, Muzaffarpur.
5. The Superintending Engineer, Public Health and Engineering Department , Muzaffarpur.
6. The Executive Engineer, Public Health and Engineering Department, Muzaffarpur
7. The Accountant General, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pancham lal Jaiswal, Adv.

For the Respondent/s : Mr. Namrata Mishra, GA13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-05-2018

Heard learned counsel for the parties.

The grievance of the petitioner is that although he was appointed in 1979 on dailywages thereafter he was transferred to the work charge establishment and finally regularized in a regular establishment on 27.11.2006 on the post of Keyman cum Chaukidar and retired as a work Inspector on 3.12.2002 but he is not being paid pension and other post retiral benefits to which he is entitled.

Learned counsel for the petitioner has invited the attention to this Court to the judgment of a Coordinate bench in **C.W.J.C. No. 2246 of 2012 (Sheela Devi Versus State of Bihar)** to submit that an



identical issue being raised that relief was granted by the Coordinate bench vide judgment and order passed on 4.9.2012 and which opinion of the learned Single Judge has been affirmed by the Division Bench when the Letters Patent Appeal No.416 of 2013 of the State was dismissed and even the Special Leave Petition of the State bearing S.P.L(Civil) No.29497 of 2013 was dismissed by the Supreme Court on 25.9.2013. He thus prays parity to the case of **Sheela Devi** (supra) referred to above for the benefit claimed.

Despite the pendency of the matter for the last 2 years, there is no counter affidavit. In such circumstances I deem it proper to direct the Principal Secretary, Engineering In Chief, Public Health and Engineering Department to consider the grievance of the petitioner for payment of post retiral benefits bearing in mind the judgment of this Court in the case of **Sheela Devi** (supra) and dispose of the same by speaking order within a period 3 months from the date of receipt production of a copy of this order.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

Bibhash

AFR/NAFR	
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