

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17940 of 2016

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Rama Shankar Singh S/o Sri Pashupati Singh Resident of village + P.O.-
Mamerkha, P.S.- Malahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Chief Engineer, Water Resource Department, Government of Bihar, Patna.
3. The Executive Engineer, Tirhut Nahar Division No.1, Motihari.
4. The Accountant General, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha and Mr. Pawan Kumar, Advocates
For the State	:	Mr. Harish Kumar, G.P. 8
For the A.G.	:	Mr. L. P. K. Ragirihar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-08-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

*“That this is application on behalf of the
above named petitioners praying for issuance of
writ in the nature of mandamus and any other
appropriate writ, order/orders, direction/directions
commanding upon the respondents to sanction
pension and Gratuity to the petitioner from the date*



of the retirement and admissible arrear thereof calculated on the basis of last pay drawn with interest.”

3. Counter affidavit has been filed on behalf of the State (respondents no. 1 to 3), in which a categorical stand has been taken that because of the petitioner being engaged as daily wager, in terms of the order passed by the Court in C.W.J.C. No. 528 of 2015 dated 28.11.2016, which itself was passed relying upon a Full Bench decision of the Court in the case of **State of Bihar vs. Bhagwan Singh** reported as **2014(4) PLJR 229**, the service rendered as daily wagers cannot be reckoned as pensionable under the Bihar Pension Rules, 1950.

4. Copy of the counter affidavit was served on learned counsel for the petitioner on 24.01.2017, and till date, there is no rejoinder to the same.

5. In view thereof, the writ petition stands dismissed.

6. At this juncture, learned counsel for the petitioner submitted that though regular pension has been denied but in view of the new scheme of the State Government itself which came into effect in the year 2005, Contributory Pension Scheme is in operation and in the case of the petitioner also contributions have been deducted.

7. Be that as it may, the same being a different cause of



action, the petitioner shall be at liberty to move before the authorities for such payment which shall be considered on its own merits, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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