

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19061 of 2017

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Shashi Bhushan Devi, W/o Late Ambika Prasad Sah, Resident of Village+ P.O.-
Khutaha, P.S.- Lodipur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Chief Engineer, Department of Public Health Engineering (Mechanical), Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Bhagalpur.
6. The Executive Engineer, Public Health Division, Bhagalpur West, Bhagalpur.
7. The District Magistrate, Bhagalpur.
8. The Accountant General (A &E), Bihar, Patna.
9. The District Account Officer, Bhagalpur.
10. The Treasury Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Pandey, Advocate
For the State	:	Mr. Upendra Pratap Singh, AC to SC 4
For the Respondent No. 8	:	Mr. Anjani Kumar Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-02-2018

Heard learned counsel for the petitioner and State.

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

*“ 1. That this is an application for issuance of a writ
in the nature of mandamus or an appropriate writ,
order or direction commanding the respondents to
pay all the death-cum-retiral dues/benefits*



including:-

(i) Family pension with revised scale.

(ii) Full amount of Gratuity.

(iii) Full amount of leave encashment.

(iv) Amount of Provident Fund.

(v) Arrear of Family Pension.

(vi) Amount of arrear of reverted period.

With statutory as well as penal interest as per memo no. 1344 dated 04.02.1949 and letter No. 17779 dated 12.08.1969 of Finance Department, Govt. of Bihar, Patna as well as section 59 of Bihar Pension Rules, 1950, for which the petitioner is legally entitled for after the death of her husband who was an employee of the state government and be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.”

3. In sum and substance, the grievance of the petitioner is that though her husband had been appointed as daily wage employee on 13.05.1981 but subsequently he was brought under the Work Charge Establishment on 21.03.1988 and got all due benefits but on 24.08.2002 he was reverted as a daily wage employee. Such reversion was assailed by the petitioner along with others in C.W.J.C. No. 12760 of 2002 which was disposed off by order of a Division Bench of this Court on 13.07.2006 along with other analogous cases with a direction to the authorities to decide with regard to absorption of the petitioners by constituting a High Level Committee. However, as the



husband of the petitioner had died, his case could not be considered only for that reason.

4. Learned counsel for the petitioner submitted that identical issue has been decided by this Court by order dated 24.11.2017 in C.W.J.C. No. 6349 of 2016 in the case of **Soniya Devi Vs. The State of Bihar and Others** and further the issue has also been settled by the Hon’ble Supreme Court by order dated 11.08.2006 in Civil Appeal No. 3486 of 2006 in the case of **Dinbandhu Pandey Vs. The State of Bihar and Others** wherein reversion from Work Charge Establishment to daily wage employee has been held to be impermissible.

5. Learned counsel for the State has not been able to differentiate or controvert the fact that the issue stands concluded by the aforesaid two judgments of this Court as well as the Hon’ble Supreme Court.

6. In view of the aforesaid, the writ petition stands allowed in similar terms to that of **Soniya Devi** (supra). The directions issued by the Court in the said case are reiterated in the present case also.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
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