

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2649 of 2016**

1. Bhuwaneshwar Prasad and Ors son of Late Gupteshwar Prasad, resident of Village Dekuli Chhotaka Sheo, Post Office Dekuli, Police Station Brahampur, District- Buxar.
2. Sushil Kumar Pandey, son of Late Krishna Kumar Pandey, resident of Village Ramapur, Post Office Ratanpur, Police Station Muffasil Ara, District- Bhojpur at Ara.
3. Rameshwar Choubey, son of Late Shri Ram Kailash Choubey, resident of Village Mahuli, Police Office Gajrajganj, Police Station Udwant Nagar, District Bhojpur at Ara.
4. Kamakhya Narayan Singh son of Late Bindeshwari Singh, resident of Village and Post Office Sanhagi, Police Station Garhani, District Bhojpur at Ara.
5. Nandji Singh, son of Shri Ram Pravesh Singh, resident of Village and Post Office Sanhagi, Police Station Garhani, District Bhojpur at Ara.
6. Vijay Kumar Singh son of Shri Janardan Singh resident of Village and Post Office Panwari, Police Station Sikarhatta, District Bhojpur at Ara.

... .. Petitioners

Versus

1. The State Of Bihar through its Principal Secretary, Public Health Engineering Department, Visheshwaraiya Bhawan, Bailey Road, Patna
2. The Chief Engineer, Mechanical, Public Health Engineering Department, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Public Heath Engineering Circle, Ara.
4. The Superintending Engineer, Public Heath Engineering Circle, Veterinary College Patna-14.
5. The Executive Engineer, Public Health Division, Ara.
6. The Executive Engineer, Public Health Mechanical Division, Sasaram.
7. The Executive Engineer, Public Health Mechanical Division, Gaya.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Lalan Kumar Singh, Advocate

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      07-03-2019      Heard learned counsel for the petitioners as well as  
learned counsel for the State.

It is submitted by petitioners' counsel that the



petitioner was in the regular establishment of the Public Health and Engineering Department as Pump Operator since 29.11.2006 being his date of absorption in service. It is submitted that petitioner has approached the authorities for counting the period in service rendered by him on daily wages as length of service for the purpose of grant of pensionary benefits relying upon the provisions contained in Rule 58 read with Rule 59 of the Bihar Pension Rules.

Learned counsel submits that the petitioner will make a fresh application/representation before the Chief Engineer, Mechanical, Public Health Engineering Department, Visheshwaraiya Bhawan, Bailey Road, Patna (respondent no.2) asserting his claim with reference to certain legal pronouncements in this regard in the various decisions of this Court as also decision of the Apex Court in light of decisions contained in the judgments of this Court in case of **Daroga Yadav Vs. State of Bihar**, reported in **2010(3) PLJR 779**; **Nankhu Prasad Singh Vs. State of Bihar**, reported in **2004(3) PLJR 769**; **Anil Kumar Srivastava Vs. Bihar State Electricity Board**, reported in **2010(4) PLJR 498** and **Netram Sahu Vs. State of Chhattisgarh**, reported in **(2018) 5 SCC 430**.



Since claim of the petitioner is to be raised before respondent no.2, this Court would only observe that having regard to the legal position arising out from said judgments claim of the petitioner should be considered on basis of the length of service rendered prior to his absorption in daily wages and if there is no other impediment in grant of benefits, then the claim of the petitioner should be considered in light of aforesaid decisions

Let the application/representation of the petitioner be made within a period of four weeks. In the event such claim is presented before respondent no.2, the same should be disposed of by a reasoned and speaking order having regard to the Bihar State Litigation Policy, 2011 regarding covered matters within a period of three months thereafter.

Writ petition stands disposed of.

**(Madhuresh Prasad, J)**

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