

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7278 of 2015

1. Md. Nabi Hassan Son of Maqsood Ahmad, Resident of Village Bishanpurva, P.S. - Adapur, District - East Champaran.
2. Anil Kumar Son of Dharishan Prasad, Resident of Village Shahpur, P.S. - Danapur, District - Patna.
3. Hazari Lal Son of Late Laxman Rai, Resident of Village Mahamudichak, Rajendra Nagar, P.S. - Kadamkuan, District - Patna.
4. Brahmanand Sharma Son of Late Shyam Sundar Prasad Singh Resident of Village Serthua, P.S. Mukhdumpur, District - Jehanabad.
5. Md. Iqrm Son of Late Md. Hanif, Resident of Village - Belbtia, P.S. - Sugauli, District - East Champaran.
6. Binod Kumar Paswan, Son of Deoki Paswan, Resident of Purandarpur, P.S. - Jakkanpur, District - Patna.
7. Ganga Bishun, Son of Late Kritya Narain Rai, Resident of Mohalla Rajapura, Mainpura, District - Patna.
8. Upendra Rai, Son of Late Yamuna Rai, Resident of Dheerachak, Anishabad, Patna.
9. Brij Lal Rai, Son of Kailash Rai, Resident of Village Jafrabad, District - Vaishali.
10. Jay Narayan Prasad, Son of Dasai Prasad, Resident of Village Srirampur, Bihata, District - Patna.
11. Jai Nandan Singh, Son of Singhashan Singh, Resident of Village Suarmarwa, P.S. Maner, District - Patna.
12. Md. Furkan Son of Md. Suleman, Resident of Village Kataria, P.S. Barauni, District - Begusarai.
13. Sudarshan Rai, Son of Ram Pyare Rai, Resident of Village Manachak, P.S. Koilwar, District - Bhojpur.
14. Nageshwar Mandal, Son of Nevi Mandal, Resident of Village Lakhanpur, P.S. Asarganj, District - Munger.
15. Narendra Kumar, Son of Kaladhar Prasad Singh, Resident of Village Malkora, Sikaria, District - Patna.
16. Upendra Mandal Son of Late Basant Mandal, Resident of Village Sukhasan, P.S. - Singheshsar, District Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Engineer in Chief cum Special Secretary, Rural Work Department, Vishwasharaiya Bhawan, Patna.
3. The Deputy Secretary, Rural Works Department Vishwasharaiya Bhawan, Patna.
4. The Chief Engineer Rural Works department Vishwashraiya Bhawan, Patna.



5. The Superintending Engineer, Rural Works, Circle, Patna.
6. The Executive Engineer, Rural Works Division, Patna.
7. The Executive Engineer, Advance Planning Division No. 1, Patna.
8. The Executive Engineer, Advance Planning Division No. 2, Patna.
9. The Executive Engineer, Advance Planning Division No.3, Patna.
10. State Quality Control Co-Ordinator, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Jha
Mr. Bam Bahadur Jha
For the Respondent/s : Ms.Manisha Singh, AC to GP7

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-04-2019 Heard counsel for the petitioners and counsel for the respondents.

Position emerging from the record is that petitioners have been working earlier in work charge establishment from August, 1987. Subsequently, they have become employees of regular establishment. Some of the petitioners are already superannuated from regular services and others are on the verge of retirement.

Petitioners are aggrieved by the office order no.19 dated 31.01.2014 insofar as it contemplates that for every five years of work as work charge employee petitioners will be granted benefit of one year for ascertaining pensionary benefit.

Parties are in agreement that issue should now be examined in light of law laid down by the Full Bench in the case



of Mobina Khatoon vs. State of Bihar & others reported in 2019
(2) BLJ page 9.

In the circumstance, petitioners' counsel submits that placing reliance on the said judgment, petitioners would file representation before respondent no.2 within two weeks.

In the event, same is made before respondent no.2 (Engineer-in-chief-cum-Special Secretary, Rural Works Department, Vishwashariya Bhawan, Patna) this court would observe that benefits if found due and admissible in light of Full Bench judgment be extended to the petitioners within three months from the date of receipt/production of a copy of this order along with representation. The authority while dealing with claim of the petitioners should bear in mind the provision contained in clause 4 C(I) of Bihar Litigation Policy, 2011.

With the aforesaid observations, writ petition is disposed off.

(Madhuresh Prasad, J)

s.hassan/-

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