

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7606 of 2019

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1. Chandradhar Sharma S/o Chandrabhan Tripathi resident of Village- Navahi, Nauhi, P.S.- Bihta, District- Patna.
 2. Mohammad Khabir Alam S/o Late Kalimullah resident of Village- Sapti, P.O.- Jitikahi, P.S. Dhaka, District- East Champaran, Bihar.
 3. Panchu Rai S/o Late Paspas Rai resident of Village- Chanchan Dhaka, P.S.- Dhaka, District- East Champara, Bihar.
 4. Jaylal Pandit resident of Village- Chitahan Bankat, P.S.- Pakari Dayal, District- East Champaran, Bihar.
 5. Manman Prasad S/o Late Gorakhnath Srivastava resident of Village- Nawada, P.S. Pakari Dayal, District- East Champaran, Bihar.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Viswaiswaraiya Bhawan, Govt. of Bihar, Bailey Road, Patna.
2. Principal Secretary, Public Health Engineering Department, Viswaiswaraiya Bhawan, Govt. of Bihar, Bailey Road, Patna.
3. Engineer-in- Chief, Public Health Engineering Department, Viswaiswaraiya Bhawan, Govt. of Bihar, Bailey Road, Patna.
4. Chief Engineer (M), PHED, Viswaiswaraiya Bhawan, Govt. of Bihar, Bailey Road, Patna.
5. Chief Engineer, Muzaffarpur Region, PHED, Muzaffarpur.
6. Superintending Engineer, PH Circle, Motihari.
7. Executive Engineer, PH Division, Dhaka East Champaran, Motihari.
8. Sub Divisional Officer, PH Sub Division Chhauradano, East Champaran at Motihari.
9. Sub Divisional Officer, PH Sub Division, Dhaka East Champaran at Motihari.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh Mr. Yashraj Bardhan
For the Respondent/s	:	Mr. U.P.Singh, AC to SC 4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 19-09-2019 Heard learned Counsel for the petitioners and the learned
Counsel for the respondent State.

The petitioners' grievance is that counting of period



served in the work charge establishment has been excluded by the respondent authorities when they have granted benefits of ACP to the petitioners.

It is his submission that the petitioners were entitled to counting of the period served under work charge establishment in terms of resolution of the State of Bihar itself dated 22.5.2018. The same is Annexure 11 series of the writ petition.

Counsel for the State submits that since the petitioners' services were confirmed in the year 2014 therefore respondents have rightly granted the monitory benefits of ACP with effect from 1.7.2016 although they have counted the period spent in the work charge establishment.

Such submission of the State Counsel defies logic. There is no point in counting the period of work charge establishment, if the benefit is not granted on that basis. This Court would refer to the decision of this Court in the case of ***Binod Kumar Singh & ors Vs. State of Bihar & ors*** in the proceedings arising out of CWJC No. 8695 of 2017.

Counsel for the State has seriously disputed application of the said judgment in the instant case by submitting that in that case confirmation of the petitioner was from a much earlier date. Date of confirmation is not relevant since claim is for counting of services rendered under the work charge establishment.

This Court would reproduce the relevant extract of the



said judgment:-

“In view of the fact that the present case is squarely covered by the judgment of this Court dated 02.02.2011 passed in CWJC No. 7178 of 2010 as well as by the aforesaid judgment dated 20.10.2016 passed in LPA No. 607 of 2012, the present writ petition is allowed and it is directed that the respondent authorities shall grant benefit of the past services rendered by the petitioners herein in the work charge Establishment, and accordingly, grant benefits of A.C.P. and other consequential benefits.”

Mandate of the said judgment is clear that the period spent in the past and services rendered in the work charge establishment has to be considered for granting ACP and other consequential benefits. In view of the said clear mandate as per the said judgment this Court would not hesitate in directing that in case of the petitioners also similar counting of services rendered in the work charge establishment should be done so as to grant them benefit including monitory benefits on account of ACP.

With the aforesaid direction the writ petition is allowed.

(Madhuresh Prasad, J)

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