

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16633 of 2014

Vishwa Vijay Mistry, aged about 61 years, son of Late Babu Ram Singh,
resident of village - Patluka, P.S. Tilauthu, District – Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai, Bhawan, Patna
2. The Director, Provident Fund Directorate, Pant Bhawan, Patna
3. The District Provident Fund Officer, Rohtas at Sasaram
4. The Chief Engineer, Water Resources Department, Dehri, District - Rohtas
5. The Superintending Engineer, Water ways Circle, Mohania camp at Bhabhua, District - Kaimur
6. The Executive Engineer, Dehri Division, Dehri, District - Rohtas
7. Senior Accounts Officer under the Accountant General Bihar, Patna
8. The Accountant General, Bihar, Birchand Patel Path, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr.Nadim Seraj, GP-5
For the AG Bihar	:	Mr. Ram Yash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 15-05-2019 Nobody appears on behalf of the petitioner. The respondent State is present.

The present writ application has been filed for a direction on the respondents particularly on respondent no. 6 Executive Engineer, and respondent no. 8 Accountant General, Bihar for the correct fixation of Pension, D.C.R.-Gratuity, Leave encashment and the amount of commutation thereof to the petitioner after taking into account full length of actual continuous services of more than 33 years of the petitioner from 21.10.1979 to 30.09.2013, whereas the initial services have been counted from 01.10.1988 to 30.09.2013 by the Senior Accounts Officer under the office of the Accountant General, Bihar on the pension determination order as is apparent at



sl./column-(12) for 25 years only resulting in the lesser admissible dues have been sanctioned to the petitioner.

On the perusal of the counter affidavit, it appears that initially the petitioner was engaged as daily wager on muster roll, later on work contract, regularized on the post of Chaukidar, but now petitioner claims himself as Amin and prayed for the retirement benefit on the post of Amin with effect from the date of his regularization.

The petitioner has never done the work of Amin. His Amanat Certificate is fake on which basis he is claiming to be treated as an Amin. In this regard, the petitioner has filed C.W.J.C. No. 2962 of 2013, later on, he withdrew the case with a liberty to file a representation before the respondent authority but it is clear from the counter affidavit filed by the respondent that petitioner has never filed any representation before concerned authorities and petitioner has never worked on the post of Amin.

All the admissible dues has already been paid to the petitioner. In my opinion, the petitioner prays for the pay scale of Amin for which he is not entitled.

The writ application is disposed of.

(Anjani Kumar Sharan, J)

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