

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11564 of 2014

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1. Siya Sharan Ram and Ors Son of Late Sidheshwar Ram Resident of Village - Kobil, Post Office - Kobil, Police Station - Islampur, District - Nalanda.
 2. Devendra Singh Son of Late Parikha Singh Resident of village - Ramnagar, Post Office - Kochhara, District - Jehanabad.
 3. Krishnadeo Narayan Pandit Son of Chamru Pandit Resident of village - Kala Bhagwanpur, Post Office - Sarasat, District - Patna.
 4. Gopal Prasad Sinha Son of Late Sundarlal Resident of Village - Sanjay Nagar, Post Office - G.P.O. Patna, Police Station - Kotwali, District - Patna.
 5. Sitaram Paswan Son of Laldas Paswan Resident of village - Patut, Police Station - Rani Talab, District - Patna.
 6. Lalbabu Das Son of Late Basudeo Das Resident of Village - Shekhpura Binda Toli, Police Station - L.B.S. Nagar, District - Patna.

... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Deputy Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Joint Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Registrar, Revenue and Land Reforms Department, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Atul Kumar Pandey
For the Respondent/s	:	Mr. S.K. Mandal SC 3
		M/s Bipin Kumar, Neelam Kumari, Ravi Kumar & Arjun Prasad, All AC to SC 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2019 Heard learned Counsel for the petitioners and the learned Counsel for the respondent State.

Counsel for the petitioners submits that the petitioners were working as daily wagers since long back. However the order of their regularisation dated 4.4.2012 stipulates that the period spent on daily wages would not be



treated for any purpose as being in service. They are also aggrieved by the fact that their services are held to be under the provisions of the new Contributory Pension Scheme introduced with effect from 31.8.2005.

The order of their regularisation/appointment is dated 4.4.2012. The said stipulation in the order of petitioners' regularisation has never been objected to or no grievance in respect thereof has ever been raised before any authority.

Counsel for the petitioners submits that the respondents should be directed to give sympathetic consideration to the long services rendered by them on daily wages.

The State has filed counter affidavit. It is their specific stand that there is no provision/circular/statute/departmental instruction under which the petitioners can be granted benefit of the services rendered as daily wagers for treating the same as period of government service. It is also the specific stand of the State that their appointment being subsequent to 31.8.2005 i.e. date from which new Contributory Pension Scheme came into operation, they cannot claim benefits of the old pension scheme.

The reasons assigned by the State appear to be correct. The petitioners have not made out any right for grant of



benefit of length of service rendered as daily wages or for being allowed the benefits of the old pension scheme which seized to exist with effect from 31.8.2005.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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