

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3309 of 2017

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Kuldip Rajak son of Nakeshwar Rajak resident of village - Abhaypur, P.O. Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary, Personnel and Administrative Department, Government of Bihar, Patna.
3. Principal Secretary, Rural Works Department, Government of Bihar, Patna.
4. Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
5. Superintending Engineer, Road Construction, Rural, Mechanical Division, Work Division, Darbhanga.
6. Executive Engineer, Rural Engineering Organization, Works Division, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Sinha, Adv. Mr. Rajesh Ranjan, Adv.
For the Respondent/s	:	Mr.Kameshwar Prasad Gupta-Gp10

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 03-07-2019 Heard learned counsel for the petitioner and learned
AC to GP-10 for the State.

The petitioner has filed this writ application for payment of his post retiral dues. It is stated that he was appointed under the work charge establishment in Rural Mechanical Division, Works Division, Begusarai in the year 1983 and inspite of having retired on 31.12.2012, he has still not been paid his retiral dues. It is further submitted that the petitioner along with large number of other persons had filed writ applications for regularization of their services and in a



batch of cases, vide order dated 13.02.2012 (Annexure-3 to the writ application), a Division Bench of this Court had directed the Committee to take a decision in accordance with law within a period of three months. It is further submitted that neither decision has been taken by the respondent authorities/Committee nor any decision has been communicated to the petitioner till date. Further submission on behalf of the petitioner is that pursuant to the observation of this Court in CWJC No. 10284 of 2015 filed by one Nandlal Mahto, who was also one of the petitioners in the batch cases mentioned hereinabove, vide order dated 08.09.2016 the respondent authorities regularized the service of the said Nand Lal Mahto and paid him his arrears.

Further attention of the Court is drawn to the case of one another petitioner of the batch cases, namely, Lala Saw whose writ application bearing CWJC No. 8249 of 2016 was disposed of vide order dated 22.11.2017 (Annexure-P/9 to the rejoinder filed by the petitioner to the counter affidavit of the respondent no.6) whereby this Court directed the Committee to take a decision within three months from the date of production of a copy of this order.

Besides the above, it is submitted on behalf of the



petitioner that the respondent authorities vide letter no. 1561 dated 12.02.2019 of the Finance Department, Govt. Of Bihar have already taken a decision to regularize the service of work charge employees who satisfy the conditions mentioned therein. It is submitted that the case of the petitioner false within the criteria laid down in the said letter. It is further submitted that even otherwise the petitioner is entitled for pension in view of the Full Bench decision of this Court reported in **2019(1) PLJR 1015.**

The learned counsel appearing for the State submits that although a direction had been given to the Committee, however, he has no instruction whether the said decision with respect to the petitioner has been taken or not. Even the counter affidavit filed on behalf of respondent no. 6 is silent on this aspect.

Having heard learned counsel for the petitioner and learned counsel counsel for the State, this writ application is disposed of with a direction to the respondent authorities especially the respondent nos. 3 and 4 to ensure that the Committee takes a decision in light of the directions contained in the order dated 13.02.2012 passed in CWJC No. 4261 of 2010 within a period of three months from the date of



receipt/production of a copy of this order.

The writ application stands disposed of with the
aforesaid observations and directions.

(Partha Sarthy, J)

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