

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3328 of 2017

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Shyam Deo Rai S/o Late Basawan Rai, Resident of Mohalla - Anishabad,
Post office Gali, P.S. Gardanibagh, Distt. Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department Government of Bihar, Patna.
2. The Chief Engineer, Water Resource Department, Government of Bihar, Patna
3. The Executive Engineer, Tirhut Nahar Division No. 1, Motihari
4. The Accountant General, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar, Advocate
For the State	:	Mr.Sumant Kumar Singh, AC to GA 2
For AG	:	Mr. L.P.K. Rajgihar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 11-07-2019

Heard learned counsel for the petitioner, learned AC to GA 2 for the State and learned counsel for the Accountant General.

The present writ application has been filed by the petitioner for directing the respondents to consider his entitlement of pension and gratuity on the basis of last pay drawn with interest.

The facts relevant for the instant applications are that the petitioner started working on daily wages since 1979 and his services were regularized pursuant to the decision of the department dated 12.09.2005. It is further stated in paragraph 4 of the writ application that the petitioner will be retiring on



31.01.2020.

A counter affidavit has been filed on behalf of the respondent nos. 2 and 3 wherein it is stated that the petitioner has been appointed on 12.09.2009 and as he is going to retire on 31.01.2020, the length of his service as a regular employee will be less than 15 years and as such he would not be entitled for pensionary benefits.

Having heard learned counsel for the parties and having gone through the records of the case it transpires that admittedly the petitioner is still in service and is scheduled to retire on 31.01.2020. Thus, in my opinion the writ application is premature and as of now the petitioner has no cause of action for filing this case.

The writ application stands dismissed.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

