

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5709 of 2017

Radhe Prasad Singh, son of Late Sunder Singh, Resident of Naya Tola Pokhra, P.O. Hajipur, P.S. Hajipur Town, District - Vaishali at Hajipur, the retired Pump Operator, Public Health Mechanical Division, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
null null
3. The Principal Secretary, Public Health Engineering Department,
Government of Bihar, New Secretariat
4. The Joint Secretary, Public Health Engineering Department, Government of
Bihar, New Secretariat, Pa
5. The Chief Engineer, Mechanical Public Health Engineering Department,
Government of Bihar, New Secretariat
6. The Superintending Engineer, Mechanical Public Health Engineering Circle,
Muzaffarpur.
7. The Executive Engineer, Public Health Mechanical Division, Combined
Building, Room No. 22, Muzaffarpur
8. The Accountant General, Bihar, Patna
9. The Assistant Accountant General, Senior Accounts Officer, Office of the
Accountant General, Bihar,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 31-08-2020 The court proceeding has been conducted through
virtual mode.

None appears on behalf of the petitioner, however,



learned AC to AAG-5 appearing on behalf of the respondent-State is present.

The present writ application has been filed with following relief as stipulated in paragraph no.1 which reads as under:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to fix and revise the pensionary benefits of the petitioner and make payment of its consequential monetary benefits, counting the services rendered by the petitioner in the work charge establishment and regular establishment as regular qualifying service i.e. 27 years 7 months 18 days by modifying the pension payment order dated 30.12.2014 issued by the Respondent no.9 on the ground that the services of the petitioner was absorbed in the regular establishment under Service Condition Rules, 1949 i.e. before coming into effect of Resolution no. 10710 dated 17.10.2013.

(II) For a declaration that the Finance Department Resolution No.10710 dated 17.10.2013 is not applicable in the case of the petitioner since the services of the petitioner was absorbed in regular



establishment in the year 2006 under circular of the State Government contained in Finance Department memo no.1344 dated 04.02.1949 (Service Condition Rules, 1949) pursuant to the direction of this Hon'ble Court whereas the said Service Condition Rules, 1949 was abolished by the Finance Department Resolution No. 10709 dated 17.10.2013.

(III) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner would be entitled under the facts and circumstances of the case.

Learned AC to AAG-5 submits that pension of the petitioner has been revised in pursuance to the Full Court judgment, passed in the case of *Amrika Devi Vs. State of Bihar*, reported in (2019) 4 PLJR 354 as well in the case of *Mobina Khatoon Vs. State of Bihar* reported in 2019(2) BLJ 9 (FB) and entire payments have already been made to the petitioner.

In the circumstances, the present writ application has become infructuous.

Accordingly, the present writ application is disposed of as infructuous with liberty to the petitioner to agitate his



grievance, in accordance with law, if he still dissatisfied with the revised payment being made.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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