

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9021 of 2018

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Sri Yogendra Prasad Asthana Son of Late Alakh Narain Prasad, Resident of Village- Sahlour, Police Station- Pachrukhi, District- Siwan, a retired Pump Operator from P.H. Mechanical Division, Chapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department (Mechanical), Government of Bihar, Patna.
2. The Engineer-in- Chief, P.H.E.D., Mechanical, Government of Bihar, Patna.
3. The Additional Secretary, Finance Department, Government of Bihar, Patna.
4. The Executive Engineer, P.H. Mechanical Division, Chapra.
5. The Superintendig Engineer, P.H. Mechanical Circle, Chapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Veerendra Narayan, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 02-09-2020

Heard learned counsel for the petitioner through video conference.

2. The following reliefs as formulated by the petitioners have been claimed in the writ petition --

“For issuance of appropriate writ/writs, order/orders and direction/directions to the respondents for payment of retiral benefits to the petitioner who superannuated from service as Pump Operator from P.H. Mechanical Division, Chapra, on 30.04.2010 counting with the past services rendered since 1980 (Muster Roll) and 1988 as work charge declaring with the notification no. 10710 dated 17.10.2013 is not applicable in the case of the petitioner which has been issued for extension of cut-off date from 21.10.2013 is not applicable in the case of the petitioner which has been issued for extension of cut-



off date from 21.10.1984 to 11.12.1990 for absorption of the employees who were not absorbed till 2013; and for the following further reliefs-

(a) For payment of GPF and Gratuity calculating the past services since 1980-1988 continuously till the date of retirement as regular cadre;

(b) For giving the benefit of A.C.P., M.A.C.P. and pay revision calculating service period since 1988;

(c) For fixation of pension after revised pay scale since 1996;

(d) For declaration of Finance Department, Bihar Resolution/Notification No. 10710 dated 17.10.2013 as not applicable in the case of the petitioner;

(e) For any other relief or reliefs for which the petitioner is entitled for te ends of justice.”

3. At the very outset, both parties agree that the issues raised in the present writ petition with respect of payment of retiral benefits of the petitioner will be guided by the observations of the Hon’ble Full Bench of this Court in the case of *Smt. Amrika Devi and others vs. The State of Bihar and others and analogous cases*, reported in 2019(4) PLJR 354.

4. Having regard to the consented stand of the parties, the writ petition is disposed of with a direction to the Executive Engineer, P.H. Mechanical Division, Chapra (Respondent No. 4) to pass orders in the light of the observations in the aforesaid decision of the Hon’ble Full Bench in *Smt. Amrika Devi’s case (supra)* within a period of eight weeks from today, after grant of an opportunity of hearing to the petitioner. To enable the same, the petitioner shall furnish his mobile number and e-mail ID to the respondent no. 4 within a week from today.

5. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference.



6. It is further directed that if upon passing such final orders, any payment is found due to the petitioner, appropriate steps in this regard be taken without delay. In case the petitioner’s claim is found inadmissible, whether in whole or in part, a speaking order in that regard be passed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	04.09.2020
Transmission Date	-

