

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.218 of 2021

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1. Vijay Shankar Pd S/o Late Nand Kishore Prasad Resident of 719/3 North Mandiri, P.O.- Patna, G.P.O., P.S.- Budha Colony, District- Patna.
 2. Mohan Prasad Ram Son of Late Ahand Lal Ram Resident of Sinha Sadan, Muhalla- Sri Mukteshwar Pd. Road No.1, New Yarpur, Gardanibagh, Patna.
 3. Ram Nandan Paswan Son of Late Rajdev Paswan Resident of Mohalla- Muradpur, P.S.- Pirbahore, District- Patna.
 4. Mahesh Prasad Son of Late Ram Pd. Ram Resident of Village and P.O.- Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Chief Engineer (South), Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Baily Road, Patna.
3. The Superintending Engineer, Building Construction Department, South Bihar Circle Punaichak, Patna.
4. The Executive Engineer, Building Construction Department, Building Division, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate.
For the Respondent/s : Mr. Shobha Kumari Choube, AC to GP-19.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-11-2022 Heard Mr. Sunil Kumar Karn, learned counsel for the petitioners and Mr. Shobha Kumari Choube, learned AC to GP-19 for the State.

The present application has been filed seeking direction upon the respondents to make payment of regular pension, gratuity and other retiral dues after counting their full period of service rendered under Work Charge Establishment, in



view of the law laid down by the Full Bench of this Court, rendered in the case of Amerika Devi Vs. The State of Bihar & others since reported in 2019 Vol. 4 PLJR 354. It is submitted that since all the petitioners had been appointed prior to 22.10.1984 and as such, Resolution No. 10710 dated 17.10.2013, whereby a decision has been taken by the high level committee that for every five years of continuous service, rendered in work charge, one year of regular service will be counted for the purposes of calculation of pension would not be applicable in their cases. He further submitted that other similarly situated persons approached before this court and in their cases, the applications have been disposed of with a direction to the Principal Secretary, Building Construction Department, Government of Bihar, Patna to consider their cases for grant of revised retiral benefits in the light of the judgement rendered by the learned Full Bench of this court in the case of Amerika Devi (supra).

On the other hand, learned counsel for the State does not confront the settled legal position.

In view of the submissions made on behalf of the parties and taking into consideration the grievances of the petitioners, the present application is being disposed of with a



direction to the Principal Secretary, Building Construction Department, Government of Bihar, Patna to consider the cases of the petitioners for grant of revised retiral dues in the light of the judgement rendered by the learned Full Bench of this Court, as stated above and pass appropriate orders within a period of twelve weeks of receipt/production of a copy of this order.

The present writ application stands disposed of on the aforesaid terms.

(Harish Kumar, J)

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