

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.895 of 2021

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1. Hari Mandal S/o Late Vilas Mandal resident of Ward No. 15, Village-Bhavdepur, P.S.- Riga, District- Sitamarhi.
 2. Mahesh Paswan son of Late Sivdhari Paswan resident of Village-Bhavdepur, P.S.- Riga, District- Sitamarhi.

... .. 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, Building Division, Sitamarhi.
4. The Executive Engineer, Building Construction Department, Building Division, Sitamarhi.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn, Advocate

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to Standing Counsel-20

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-08-2022 The only issue raised by the petitioners in the present case is regarding consideration of the period rendered by them in the Work Charge Establishment for the purposes of calculation of their retiral benefits, in accordance with the law laid down in a judgment rendered by the learned Full Bench of this Court in the case of *Amerika Devi vs. The State of Bihar & others* reported in *2019 Vol. 4 PLJR 354*. It is submitted that though the petitioners were appointed on 27.11.1981, however, their services were regularized in the year 2013 and while the



petitioner no. 1 superannuated on 30.11.2019, the petitioner no. 2 superannuated on 31.05.2017.

The learned counsel for the petitioners has submitted that the pensionary benefits of the petitioners is required to be re-worked on the basis of the ratio laid down by the learned Full Bench of this Court in the case of Amrika Devi (supra). Hence the Additional Chief Secretary, Building Construction Department, Government of Bihar, Patna be directed to do the needful.

Accordingly, the present writ petition stands disposed off with a direction to the Additional Chief Secretary, Building Construction Department, Government of Bihar, Patna to consider the respective cases of the petitioners herein in light of the judgment rendered by the learned Full Bench of this Court in the case of Amrika Devi (supra) and pass appropriate orders within a period of 12 weeks of receipt/production of a copy of this order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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