

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3305 of 2020

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Gauri Shankar Jha, son of Late Kamal Lochan Jha, resident of village -
Baithuli, P.s. Baheri, District- Darbhanga, the retired Accounts Clerk, office of
Executive Engineer, Rural Works Department, Works Division, Dalsingsarai,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar,
Patna.
3. The Engineer-in-Chief-cum- Additional Secretary- cum - Special Secretary,
Rural Works Department, Government of Bihar, Patna.
4. The District Magistrate, Samastipur, District- Samastipur.
5. The Executive Engineer, Rural Works Department, Work Division,
Dalsinghsarai, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Anita Kumari, Advocate

For the Respondent/s : Mr. Anwar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 22-12-2023

Learned counsel for the petitioner and learned counsel
for the State are present.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed for a direction to the
authority concerned for the grant of all service benefits
including the pensionary benefits treating him in continuous



service from the date of his joining in the Bihar State Road Transport Corporation on the ground that if from the Bihar State Road Transport Corporation, the services of the petitioner was absorbed in the State Department under the policy decision of the State Government, the petitioner is entitled for the benefit of his past services rendered by him in the Bihar State Road Transport Corporation from 25.09.1981 till his absorption in the services of the State. The petitioner has also relied that in the light of the decision rendered in CWJC No. 1745 of 2008, titled as Priya Ranjan Sharma Vs. the State of Bihar and Ors.), the petitioner is entitled to the said relief.

3. Learned counsel for the State submits that a counter affidavit has been filed on behalf of the State stating therein that there is a clear-cut pleading that the petitioner was initially appointed as Ad-hoc Traffic Clerk in the Bihar State Road Transport Corporation on 24.09.1981 but due to the poor financial condition of the Bihar State Road Transport Corporation, the State Government came out with a scheme for absorption of the employees of the Bihar State Road Transport Corporation in the service of the State Government and a letter in this regard was issued by the Rural Development Department, Government of Bihar vide it's Letter No.6481 dated 29.05.1988



and pursuant to the said letter, the petitioner was absorbed and was posted in Samastipur district and later on vide letter No.1210 dated 09.07.1990 issued under the signature of the Deputy Development Commissioner, Samastipur, the petitioner was posted as Junior Accounts Clerk in the Block Office, Morwa, District -Samastipur.

4. It is further submitted that thereafter, the petitioner was transferred to many places and, subsequently, retired from service on 30.11.2013 from the office of the Executive Engineer, Rural Works Department, Work Division, Dalsingsarai. The petitioner had earlier approached this Court by way of filing CWJC No. 13874 of 2014, raising a claim therein that he had been working in the Corporation since 25.09.1981. However, service has been counted w.e.f. 08.06.1990 to determine his retiral dues. The said writ petition was disposed of vide order dated 30.07.2019 granting liberty to the petitioner to approach the respondent authorities with contemporaneous documents in support of his claim. Thereafter, the petitioner submitted his representation before the Executive Engineer, Rural Work Department, Work Division, Dalsingsarai (Samastipur) on 16.12.2019. Thereafter, the Executive Engineer, Rural Work Department, Work Division, Dalsingsarai after going through



the entire record available to him with respect to the grievance of the petitioner came to the conclusion that only the amount of gratuity is payable to the petitioner after taking into the continuation the service of the petitioner spent under the Bihar State Road Transport Corporation and submitted a report to this effect vide his letter No.469 dated 26.02.2020 to the Engineer-in-Chief, Rural Work Department, Bihar, Patna (as contained in Annexure-B to the counter affidavit). Thereafter, the Executive Engineer, Rural Work Department, Work Division- Dalsingsarai sent the revised gratuity in appropriate format counting the service spent by the petitioner in the Bihar State Road Transport Corporation to the Accountant General for further action vide Letter No. 480 dated 27.02.2020. Learned counsel for the petitioner further submits that instead of waiting for the action, the petitioner again approached this Hon'ble Court by way of filing the present writ petition.

5. In the light of the submissions made by the parties, this Court is of the opinion that the petitioner has already raised his grievances earlier in CWJC No. 13874/2014 which was disposed of vide order dated 30.07.2019 granting liberty to the petitioner to represent before the authority concerned for redressal of his grievances, there is no need to interfere into the



matter.

6. Accordingly, the present petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	23.12.2023
Transmission Date	NA

