

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16435 of 2015

Ashok Kumar Choudhary Son of late Murli Manohar Choudhary resident of
Village - Palasi Police Station-Forbesganj, District Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principle Secretary to the Government, Road Construction Department, Government of Bihar, Patna.
2. The Principle Secretary to the Government, Department of Finance, Government of Bihar, Patna.
3. The Secretary to the Government, Road Construction Department Government of Bihar, Patna.
4. The Engineer-in-Chief, Road Construction Department, Vishweshwariya Bhawan, Bailey Road Bihar, Patna
5. The Chief Engineer, Road Construction Department, Darbhanga.
6. The Superintendent Engineer, Road Construction Circle, Purnia.
7. The Executive Engineer, Road Construction Division, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Advocate
For the Respondent/s : Mr.K.K. Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-09-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.(i) For holding that the petitioners having
been absorbed in regular cadre of Government
service in the State of Bihar from the work
charged established under the order of this
Hon'ble Court after due scrutiny and
examination of their service records by order of
the Government dated 28.02.2014, are entitled
to all the reliefs as admissible to a Government
servant in the relevant cadre as also counting*



of their services in full which they have rendered in work charged establishment and/or daily wages from which post they have been regularised.

(ii) For holding that since the order of regularisation dated 28.02.2014 clearly states that since petitioners are in service under work charged establishment prior to 11.12.1990 and there is no criminal case or matter of prima facie corruption etc. is pending against them. they have been regularised in Government service but in the pay scale which they were drawing in the work charged establishment, is totally against the service jurisprudence, ethics, equity as well as law and the petitioners immediately after regularisation are entitled to their salary in the regular salary structure and pay, which are being given to any regular employee in the State of Bihar.

(iii) For a direction to the State to pay salary of the petitioners in the regular pay scale, which are admissible to a regular employee in the State of Bihar.

(iv) For holding that the benefit of gratuity and pension has been given to the petitioners after their regularisation in most capricious, arbitrary and illegal manner inasmuch as it has been stated that even though they were entitled to pension but for that purpose the period would be calculated as every five years



of service in work charged establishment as one year whereas, as a matter of law, and rule after regularisation they would have been entitled to counting of the entire service period they have rendered to the Government and calculation of pension on that basis.”

2. At the outset, the learned counsel for the petitioner/his legal heirs seeks liberty to approach the respondent-authorities for redressal of the subsisting grievances, if any. Liberty so sought is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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