

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14934 of 2013

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Neeraj Kumar Son Of Late Vishwanath Singh Resident Of Jurawanpur Barari,
P.S. Jurawanpur Karari, District Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Secretary, Road Construction Department, Bihar, Panta
3. The Superintending Engineer, Yatayat, Bhojpur Path Anchal, Ara Bhojpur
4. Chief Engineer, Yatayat, South Bihar, Patna
5. The Executive Engineer, Roadways, Parmandal Ara Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ghanshyam Tiwary, Adv.
For the State	:	Mr. Yogendra Pd. Sinha, AAG No. 7
For the Respondent No. 5	:	Mr. Arun Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 3 30-01-2023 1. The then Engineer-in-chief, who is present in Court and has now retired pointed out that while the petitioner was initially appointed on daily wages, he was placed as a work charge employee and entitled for regular pay-scale and also pay-fixations from time to time. However, he is not to be treated as a regular employee and therefore the counter-affidavit filed by the respondents was in terms of the facts of the case as correct and there is no falsity in the counter-affidavit. The officer also points that as per the circular issued by the State Government dated 03.07.2019, the work charge employees who have received regular pay-scale on their retirement or after death their heirs



and dependents would be entitled to claim retiral benefits, but the dependent of the work charge employee would not be entitled to claim appointment on compassionate ground in absence of any provision in the scheme, framed by the Government for such work charge establishment. The said decision has not been challenged by the petitioner and therefore, while the petitioner's mother has been granted the pension and retiral benefits. The compassionate appointment cannot be offered to the petitioner.

2. Keeping in view thereto, as the petitioner has not challenged the said circular with regard to non-availability of compassionate appointment to work charge employees. The prayer made by the petitioner seeking compassionate appointment is not made out.

3. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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