

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7979 of 2017

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Ram Kumar Upadhyay, S/o Late-Shiv Balak Upadhyay @ Sheo Balak Upadhyay, resident of L.I.G. 92, S.B.S. Colony, P.O. + P.S.-Rampur, Dist.-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief-Cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
5. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Public Engineering Circle, Gaya
7. The Executive Engineer, Public Health Division Gaya.
8. The Accountant General (A & E), Patna, Bihar.
9. The District accounts Officer, Gaya.
10. The Treasury Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Shahi, Advocate
		Mr. Siyaram Pandey, Advocate
For the State	:	Mr. S.Raza Ahmad-Aag5
		Mr. Vishwambhar Prasad, AC to AAG 5
For the A.G. Bihar	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 03-10-2023

Heard Mr. Siyaram Shahi, assisted by Mr. Siyaram Pandey, learned counsel appearing on behalf of the petitioner; Mr. S.Raza Ahmad, learned AAG 5 for the State and Mr. Binod Kumar Labh, learned counsel for the Accountant General, Bihar.

2. Learned counsel appearing on behalf of the State



submits that the grievance of the petitioner has been redressed and revised sanction letter has been sent to Treasury Officer, Gaya.

3. Learned counsel for the petitioner is still aggrieved for non-payment of the enhanced pension after taking into account the entire service period of the petitioner. He submits that the reason contained in the letter No.925 dated 16.11.2013 and Resolution No.10710 dated 17.10.2013 of the Finance Department, the period between 2002 to 2006 during which the services of the respective employees have been reverted as a daily wages employee, is required to be taken for minimum qualifying service for grant of pension and the other benefits. Learned counsel, in this regard, has further relied upon a decision of the Full Bench of this Court passed in **Amrika Devi and others vs. the State of Bihar & Ors.** in CWJC No.10063 of 2012 dated 02.09.2019.

4. In above background, learned counsel submits that the petitioner will file a detailed representation before the respondent no.2, the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.

5. Considering the aforesaid specific submission made on behalf of petitioner, respondent no.2, the Principal Secretary,



Public Health Engineering Department, Govt. of Bihar, Patna is directed to dispose of the representation of the petitioner after calling the service particulars of the petitioner and considering the grievance of the petitioner in light of the circular of the Finance department, as referred above, as well as law laid down by this Court in **Amrika Devi (Supra)** within a period of four weeks from the date of filing of the representation by the petitioner.

6. The writ petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2023
Transmission Date	NA

