

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14142 of 2021

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1. Molhai Mandal Son of Late Punai Mandal Resident of Saitpura Kulkuliya, Ward No.- 1, P.O. and P.S.- Kahalgaon, District- Bhagalpur.
 2. Ramdev Mandal Son of Late Moti Mandal Resident of Saitpura Kulkuliya, P.O. and P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Accountant General (A and E), Bihar, Birchand Patel Path, Patna.
2. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
4. The Chief Engineer (Mechanical), Water Resources Department, 70/74 New Punai Chak, Patna.
5. The Superintending Engineer, Irrigation Mechanical Circle, Mithapur, Patna.
6. The Executive Engineer, Field Machinery Division, Barari, Bhagalpur.
7. The Treasury Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, GA-2
For the AG	:	Mr. Ram Kinker Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-07-2023

Heard Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioner, Mr. Ram Kinker Choubey, learned counsel appearing on behalf of the Accountant General and Mr. Vinay Kriti Singh, learned GA-2 appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner was appointed in Work Charge Establishment and, thereafter, as per the common decision, the



petitioner's services was taken into regular establishment. Learned counsel further informs that the similar work charge employees, who were taken into regular establishment, have been given the benefit of pension and other retiral dues. The case of the petitioner is identical to those employees, who have been given benefit of pension and other retiral dues and on these grounds the petitioner seeks to file a detailed representation before the Additional Chief Secretary, Finance Department, Government of Bihar to decide the case of the petitioner in the light of law laid down by the Hon'ble Apex Court in the case of ***Uday Pratap Thakur and Anr. vs. The State of Bihar and Ors.*** passed in Civil Appeal No. 3155 of 2023 @ SLP (C) No.10653 of 2018, which was heard by the Hon'ble Supreme Court with other analogous cases and Judgment has been passed on 28.04.2023.

3. The Additional Chief Secretary, Finance Department, Government of Bihar must consider the service records relating to the petitioner in the light of the Judgment passed by the Apex Court in case of ***Uday Pratap Thakur and Anr. vs. The State of Bihar and Ors.*** (Supra) as well as in the case of ***Smt. Amrika Devi & Ors. vs. The State of Bihar & Ors.*** passed by the Full Bench of this Court reported in **2019 (4)**



PLJR 355 and take final decision with respect to the entitlement of the petitioner for payment of full pension and its arrears along with applicable rate of interest on account of delayed payment within a period of four months. The Additional Chief Secretary, Finance Department, Government of Bihar must take notice of the fact that the petitioner is a retired person and before disposing of the representation of the petitioner, the petitioner must be given a prior notice to represent his case on any convenient date fixed by him.

4. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

Manish/-
Minu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2023
Transmission Date	

