

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18560 of 2021

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Bhola Prasad S/o Ram Lakhan Singh Resident of Mokama, P.S.- Mokama,
Dist- Patna, at present residing at Gaura- 01, Ward No. 04, P.S.- Teghara,
District- Begusarai as per Adhar Card during Service period Address
Ashokhara- 02, Ward No. 09, PHED Pani Tanki, Sograha, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Vishweshariya Bhawan, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Vishweshariya Bhawan, Patna.
3. The Chief Engineer, Public Health Engineering Department, Vishweshariya Bhawan, Patna.
4. The Superintending Engineer, P.H. Circle, Darbhanga.
5. The Executive Engineer (Mech.), P.H. Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha, Advocate Mr. Suryakant Mishra, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4 Mr. Maruth Dath Ray, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-04-2023 Heard Mr. Gajendra Kumar Jha, learned Counsel

appearing on behalf of the petitioner and Mr. Arvind

Ujjawal, learned SC-4 appearing on behalf of the State.

2. Learned Counsel appearing on behalf of the

petitioner informs this Court that the petitioner had retired

on 31.12.2020. The petitioner was engaged as daily wager

in a scheme and thereafter, the petitioner was recommended

in the Work Charge Establishment and vide letter No. 656



dated 14.12.2019, the Government took a policy decision in the light of the Apex Court direction in the year 1993 vide Resolution dated 18.06.1993 that the employees, who were engaged before 01.08.1985 were taken into regular establishment of the State Government. The petitioner became regular employee of the State Government in the year 2006. Learned Counsel has relied upon a decision of a Co-ordinate Bench of this Court passed in C.W.J.C. No. 18826 of 2018 ***Bimal Kumar Roy and Ors v. The State of Bihar and Ors***. Learned Counsel further submitted that the authorities have sat over the grievance of the petitioner by not acting in accordance with the mandate of circular of the State Government which is beneficial in nature. Learned Counsel further submitted that the authorities are bound to make payment to the petitioner of all the admissible dues in accordance with law and in terms of the law laid down by the Apex Court.

3. Learned Counsel appearing on behalf of the petitioner seeks to file a detailed representation before Respondent No.2 - the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department,



Vishweshariya Bhawan, Patna.

4. Learned Counsel appearing on behalf of the State seeks time to file counter affidavit.

5. Considering the fact that the law as on date is no more *res integra* with respect to the right of the petitioners. The dues, as claimed by the petitioner, is required to be paid to the petitioner by the Respondent-State. The Respondent No.2 – the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Vishweshariya Bhawan, Patna, must forthwith exercise to take immediate steps to make payment of all admissible dues payable to the petitioner without fail within a period of three weeks and also fix the pension of the petitioner in view of circular No. 59401 dated 18.06.1993 Memo No. 969 dated 30.11.2006 as contained in Annexure-4 to the writ petition and in light of order passed in C.W.J.C. No. 18826 of 2018 ***Bimal Kumar Roy and Ors v. The State of Bihar and Ors.***

6. In case the Respondent No.2 – Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Vishweshariya Bhawan, Patna fails, the



petitioner is at liberty to file a petition for initiation of proceeding of contempt against the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Vishweshariya Bhawan, Patna, and all the concerned State officials, who are found to have deliberately denied the right of the petitioner for admissible dues including pension payable to him after his superannuation.

7. With the above observation and direction, present writ petitioner stands disposed of.

(Purnendu Singh, J)

Niraj/
Nilmani/-

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