

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18295 of 2019

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Deo Bhushan Ray Son of late Jyotish Ray, Resident of Village- Bhikhan Pura,
Bhatha Road, P.S. Ishakchak, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sichai Bhawan, Balmi, Patna.
2. The Divisional Commissioner-Cum Chairman, Keul Badua Command Area Development Agency (CADA), Bhagalpur.
3. The Chief Engineer Balmi, Bihar, Patna.
4. The Superintending Engineer, Bhagalpur.
5. The Executive Engineer Command Area Development Agency, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Saroj Kumar, Advocate
For the Balmi	:	Mr. Harshvardhan Shivsundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-12-2023

Heard Mr. Mritunjay Kumar Mishra, learned counsel
appearing on behalf of the petitioner, Mr. Saroj Kumar, learned
counsel for the State and Mr. Harshvardhan Shivsundaram,
learned counsel representing the WALMI.

2. The petitioner, who was appointed as 4th grade
employee on 21.01.1980, after serving more than 37 years
superannuated from Kiul Badua Chandan Command Area
Development Agency, Bhagalpur on 30.11.2017, filed the
present writ petition seeking a direction upon the respondents to
ensure the payment of all his admissible retiral benefits
including gratuity, leave encashment, contributory provident



fund and other consequential benefits.

3. The case of the petitioner is based upon parity with one “Ashok Rajak”, who was also made accused along with the petitioner and others in Lakhisarai P.S. Case No. 782 of 2018 and on such basis, when he was also not accorded any retiral benefits and other admissible dues, he compelled to approach before this Court by filing CWJC No. 18193 of 2019. In the said case, pursuant to the direction of this Court, he has been allowed all the admissible retiral benefits, but discrimination is being caused and the petitioner has not been allowed the benefit till date.

4. Mr. Harshvardhan Shivsundaram, learned counsel for the WALMI submits that the submission of the petitioner is required to be examined at the level of the respondent authorities and if the case of the petitioner is found identical to “Ashok Rajak”, similar benefits shall be allowed.

5. Considering the submissions advanced on behalf of the respondent WALMI, the writ petition stands disposed of with a direction to the Director, WALMI to consider the claim of the petitioner in the light of the order passed by this Court in CWJC No. 18193 of 2019 (disposed of on 07.07.2022).

6. Needless to observe that if the claim of the



petitioner is found identical to that of “Ashok Rajak”, similar relief be granted in favour of the petitioner. The entire exercise must be completed preferably within a period of eight weeks from the date of receipt/production of a copy of this order, as the petitioner has superannuated way back on 30.11.2017.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2023.
Transmission Date	NA

