

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4277 of 2024

1. Bhado Paswan son of Sri Ganga Paswan, resident of Sonu Tola, Kachariya, Ward No. 3, P.O.-Moul-tola, P.S.-Pirpanti, District-Bhagalpur.
2. Kameshwar Singh, son of Sri Lakshmi Singh, resident of Chaudhary Tola, Ward No. 13, near Hanuman Mandir, Kahalgaon, P.S.-Colgong, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Chief Engineer, Sinchai Srijan, Water Resources Department, Bhagalpur.
3. The Superintending Engineer, Irrigation Circle, Bhagalpur.
4. The Executive Engineer, Ganga Pump Canal Division, Kahalgaon, Bhagalpur.
5. The Principal Accountant General (A and E) Bihar, Patna.
6. The Treasury Officer, Bhagalpur.
7. The Principal Secretary, Finance Department, Bihar.
8. Sri Hulas Paswan, Chaukidar, date of appointment 7.2.82, retired from Field Machinery Division, Digha, Patna.
9. Sri Ram Dayal Ram, Chaukidar, date of appointment 16.4.81, retired from Irrigation Mechanical Division, Mohania.
10. Md. Alim, Helper, date of appointment 6.11.81, retired from Field Machinery Division, Bhagalpur.
11. Sri Rajendra Ram, Helper, date of appointment 1.8.81, retired from Field Machinery Division, Bhagalpur.
12. Sri Arun Mandal, Chaukidar, date of appointment 1.4.81, retired from Field Machinery Division, Bhagalpur.
13. Sri Ramdas Rai, Chaukidar, date of appointment 1.11.85 retired from Tirhut Canal Division, Ratwara, Muzaffarpur.
14. Sri Anik Lal Rai, Chaukidar, date of appointment 1.1.85 retired from Tirhut Canal Division, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh, GA-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 22-03-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. I. For a direction on the respondents to allow the pension & gratuity to the petitioners, as it has been allowed to their juniors, the Hon'ble Apex Court has well settled the law in the case of Prem Ram vs. the Managing Director, Uttarakhand Pwaj & Nirman Nigam, Dehradun & others (reported in [2015], 11, S.C.C.255), the case of petitioners were well recommended on 04.4.11 by the respondent Chief Engineer, Bhagalpur to the Senior Deputy Collector, District Establishment Section, Bhagalpur, wherein the name of petitioner no.1 was figured at sl. no. 32 as Chaukidar working from 01.10.80 and the name of petitioner no.2 was figured at sl. no. 80 working as Jeep Driver from 01.03.84 at sl. 80. Similarly situated several juniors to petitioners being no(s) 8 to 14 appointed on daily waged between 01.4.81 to 01.11.85 have been regularized & allowed their pension & gratuity to which petitioners are equally entitled in accordance with the settled law.



II. For a further direction on the respondents to pay the due arrears of salary of petitioners up-to-date, which could not be paid to them earlier due to paucity of fund on 3.12.14 the respondent Chief Engineer has approved it, thereupon, on 23.12.14 the respondent Executive Engineer, Ganga Pump Canal Division, Kahalgaon (Bhagalpur) has issued consequential order and further after calculating the dues up-to the financial year 2014-15 on 08.1.15 amounting to Rs. One Crore ten lacs nineteen thousand eight hundred fifty two (Rs.1,10,19,852) of 25 employees including the petitioners has solicited allotment of fund, which requires to be further calculated till date of retirement of petitioners."

III. For a further direction on the respondents to pay the cost of litigation together with 18% penal interests to the petitioners, as now the petitioners have retired, but their legitimate arrears of salary could not be paid for want of allotment under the heading-"Mukhya Shirsha- 2701".

2. After some arguments, the learned



counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the respondent authorities for redressal of their aforesaid grievances. Liberty, so sought, is granted.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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