

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2518 of 2019

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Rajeshwar Rao Late Bindeshwari Rao resident of Shankar Mandir, Rajendra
Nagar, Ward No. 10, P.S.- Ramgarhwa, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Public Health Engineering Department, Govt. of Bihar,
Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. Engineer-in- Chief-cum- Special Secretary, Public Health Engineering
Department, Govt. of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
4. Chief Engineer (M), Public Health Engineering Department, Govt. of Bihar,
Vishweshwaraiya Bhawan, Bailey Road, Patna.
5. Chief Engineer, PHED Region, Muzaffarpur.
6. Superintending Engineer, Ph Circle, Motihari.
7. Executive Engineer, PH Division, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Adv Mr. Yashraj Bardhan, Adv.
For the Respondent/s	:	Mr. Vatsalya Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-07-2025

Heard the parties.

2. The petitioner has approached this Court seeking a
direction upon the respondents to consider his application for
regularization on the post of Work Sarkar which he had been
holding since 07.04.1983 till his reversion and further
absorption on the post of Key Man-cum-Chaukidar in the year
2006 while many others similarly situated to him have been



regularized on the post of Work Sarkar. Prayer has also been made to make payment of arrears of difference of salary consequent upon extending the benefit of ACP/MACP.

3. At the outset, Mr. Vijay Kumar Singh, learned Advocate for the petitioner submitted that in view of the subsequent development, the petitioner having attained the age of superannuation, as also the settled position of law, now the petitioner does not press the prayer for regularization of his services on the post of Work Sarkar, however, his prayer is only confined to the prayer for grant of ACP/MACP and consequential benefits along with pay protection in terms with the resolution as contained in Memo No. 707 dated 22.05.2018 issued by the Public Health & Engineering Department, Government of Bihar. The referred resolution, *inter alia*, stipulates that the employees whose services have been reverted as a daily wage employee before their absorption will also be treated under the work charge for such period and they will be granted pay protection and the benefit of ACP/MACP and other ancillary benefits. It is further contended that the issue regarding extending the benefit of ACP/MACP to the Work Charge Employees also came to be settled and set at rest by the learned Division Bench of this Court in LPA No. 105 of 2021, copy of



which has been placed as Annexure-P/5 to the rejoinder filed on behalf of the petitioner.

4. Mr. Vatsalya Verma, learned Advocate for the State fairly contended with reference to the averments made in the counter affidavit that the grievance of the petitioner was in active consideration before the Department. It has further been informed that in light of the departmental resolution No. .1802 dated 23.03.2006 of the Finance Department the period of work charge will be counted for the purposes of grant of ACP and the pension and gratuity shall be paid in accordance with the resolution No. 10710 dated 17.10.2013 of the Finance Department. It is also averred in the counter affidavit that the petitioner would be extended the aforesaid benefits and the arrears of salary without any further delay.

5. Considering the averments made in the counter affidavit, especially paragraph nos. 15 and 16 thereof, this Court deems it appropriate to dispose off the writ petition with a direction the respondent No. 7 to consider the claim of the petitioner, as afore noted, and ensure all the admissible consequential benefits in terms of paragraph Nos. 15 and 16 of the counter affidavit read with the resolution contained in Memo No. 707 dated 22.05.2018 as also in the light of the dictum of



this Court in LPA No. 105 of 2021, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

6. The writ petition stands disposed off.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	15 .07.2025
Transmission Date	

