

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11718 of 2024

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Birendra Singh, S/o Late Bharat Singh, R/o Village- Barap, P.S. Garhani,
District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Deputy Secretary, Water Resources Department, Bihar, Patna.
3. The Chief Engineer (Mechanical), Water Resources Department, Patna.
4. The Executive Engineer Digha Mechanical Division Karbigahiya, Patna (Bihar).
5. The Accountant General, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (20)
		Mr. Rajeev Ranjan, AC to GA-20
For the A.G.	:	Ms. Ritika Rani, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-04-2025 Heard the parties.

2. Notwithstanding the fact the petitioner superannuated long back on 28.02.2022 as 4th grade employee from work charge establishment when he has been deprived from the retiral benefits and other dues, he approached this Court by filing the present writ petition.

3. Mr. Manoj Kumar, learned Advocate for the petitioner referring to the averments made in the writ petition has contended that though after retirement the petitioner has been paid the amount under the GPF as well as GIS, but the



same has been paid much belatedly and, as such, in any view of the matter the petitioner is entitled to get interest over the delayed payment. It is further contended that the petitioner has also been deprived from the pension and the gratuity, however, he fairly contended that with respect to the issue of regularization of the services of the petitioner, the petitioner also preferred C.W.J.C. No. 14338 of 2019, which is pending consideration before this Court.

4. Learned Advocate for the State referring to the averments made in the counter affidavit filed on behalf of respondent nos. 1 to 5 has contended that so far the amount under the head of GPF and GIS to the tune of Rs. 9,21,590/- is concerned, the same has already been credited in the account of the petitioner. Moreover, the petitioner is not found eligible for pension and gratuity as his services has not been regularized from the work charge establishment. Referring to resolution no. 10710 dated 17.10.2013 issued by the Finance Department, Government of Bihar, it is further contended that the work charge employees whose services has not been regularized in regular establishment, is not entitled to get pension and gratuity.

5. Having considered the limited grievance of the petitioner and taking note of the fact that the issue of



regularization is pending consideration in the aforementioned C.W.J.C. No. 14338 of 2019, the issue regarding entitlement of pension and the gratuity shall be abide by the final outcome of the aforementioned writ petition. So far the grievance of the petitioner with respect to the interest over the delayed payment is concerned, the petitioner shall be at liberty to file an appropriate representation before the authorities concerned, who shall look into the matter and dispose of the same preferably within a period of 12 weeks from the date of receipt/production of a copy of this order in accordance with the law laid down by the Hon'ble Apex Court in the case of *State of Kerala & Ors. vs. M. Padmanabhan Nair; 1985 (1) SCC 429; Union of India vs. Justice S.S. Sandhawalia, (1994) 2 PLJR SC 48 and Vijay L. Mehrotra vs State of U.P. & Ors., (2001) 9 SCC 687.*

6. The writ petition stands disposed.

(Harish Kumar, J)

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