

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1026 of 2017

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Ramadhar Pandey Son of Sri Sita Ram Pandey, resident of village - Satsa,
P.O. Balthari, P.S. Kochas, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
4. The Engineer - in - Chief Cum Additional Secretary Cum Additional Commissioner, Road Construction Department

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Adv.
Mr. Vinay Kumar Mishra, Adv.

For the Respondent/s : Mr. Subodh Kumar, AC to SC- 26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondents to provide benefit of earlier service rendered by the petitioner since 21.02.1982 prior to his regular appointment on the post of Junior Engineer in Road Construction Department by the state government by letter dated 29.12.1987 since despite repeated request to the respondents, petitioner has been deprived of the benefit of his earlier services rendered as Muster Roll Engineer and on Ad-



hoc basis after being appointed by the state government.

3. Learned counsel for the State raised preliminary objection and submits that the petitioner cannot be granted the relief as demanded by him. He submits that in the Hon'ble Full Bench judgment in the case of *Mobina Khatoon Vs. State of Bihar*, reported in *2019(2) BLJ 9 (FB)*, and in the case of *Amrika Devi & Ors. v. The State of Bihar & Ors. (CWJC No. 10063 of 2012)*, in which the reference was decided on 02.09.2019. It was held that pension is admissible only if the petitioner had served on a work-charged basis prior to regularization, and only by counting one year of pensionable service for every five years of service rendered under the work-charge establishment.

4. In light of the submissions made above, this Court hereby directs the Engineer-in-Chief cum Additional Secretary cum Additional Commissioner, Road Construction Department, Government of Bihar, Patna (Respondent No. 4) to look into the matter. If the petitioner had worked prior to his absorption/regularization, his services shall be counted for pension purposes, with five years of service being equivalent to one year, only if he had worked under the work-charged establishment. This benefit shall be applicable solely for the



purpose of pension and not for any other purpose. In this regard, respondent No. 4 shall pass a reasoned and speaking order within 90 days from the date of production of this order.

5. With this direction, the writ petition stands disposed of. If found entitled, all benefits shall be granted within six months from the date of production of this order.

(Dr. Anshuman, J.)

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