

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18501 of 2018

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Anuj Kumar Mishra Son of Late Harendra Narayan Mishra, resident of 59,
Mathurapur, Purwi Bhaag, Post and P.S.-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineering-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Chief Engineer Mechanical, Public Health Department, Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Saharsa.
6. The Executive Engineer, Public Health Division, Khagaria.
7. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dewesh Kumar Pandey, Adv.
For the State	:	Mr. Arvind Ujjwal, SC 4
For the AG	:	Mr. Raj Nandan Prasad, Adv.
		Mr. Vishesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-07-2026

Heard learned Advocates for the petitioner as well as
the learned Advocates for the State and the Accountant General.

2. The writ petition was filed by the erstwhile
employee, who later on died during the pendency of the writ
petition, and accordingly his son has been substituted in his
place, who is pursuing the present writ petition.

3. The writ petition has been filed seeking issuance of a
writ in the nature of mandamus commanding upon the



respondents to revise the pension, gratuity and other post retiral benefits which are said to have been wrongly fixed and paid to the petitioner without counting the total length of service of the petitioner as per existing circular of the State Government.

4. Learned Advocate for the petitioner submitted that admittedly the petitioner was initially appointed as daily wager employee under Public Health Division on 01.08.1981 and subsequently his service was absorbed under work-charge vide office order No. 80 dated 25.04.1988. Despite the petitioner was continuing under the work-charge establishment and was legally entitled to get regularization, he was reverted from work-charge to daily wager and thereafter litigation commenced through CWJC No. 7359 of 2002. Later on, in pursuant to the order of the Court the petitioner was regularized vide resolution No. 639 dated 16.03.2006 issued by the General Administration Department. Notwithstanding the aforesaid fact, again the service of the petitioner was reverted from regular establishment to daily wager vide office order No. 71 dated 07.11.2008. This incident gave a fresh round of litigation and subsequently vide office order dated 20.06.2014 as contained in Memo No. 899 the service of the petitioner was regularized afresh on the post of Nalkoop Khalasi, a Group 'D' post. The petitioner while



working on the said post finally superannuated on 26.12.2017. However while calculating the service of the petitioner, the authority has arbitrarily left his past services rendered under work charge establishment since 1988.

5. Learned Advocate for the State however confronted the position and submitted that the status of the petitioner was of a daily wager; and without making any objection he continued to work till 16.04.2014 and subsequently the services of the petitioner was regularized under policy decision circulated vide Resolution No. 10710 dated 17.10.2013 and as such he is entitled to get all the benefits provided under the said resolution and the same has been paid.

6. Learned Advocate for the petitioner at this stage interjected and submitted that those work-charge employees, who had been working under the work-charge establishment, they have been extended the benefits of arrears for the period 2002-2006 but similar benefit has not been extended to the petitioner. It is further contended that now the issue with regard to admissibility of pension and retiral benefits of work-charge employees, who later on brought to the regular establishment has been duly considered by the Apex Court in various decisions and finally the Government in the Department of Finance has



come out with Memo No. 5943 dated 25.06.2026 that those employees are said to be entitled to get benefits in the light of decisions rendered by the Apex Court in ***Saita Ram Thakur Vs. The State of Bihar & Ors [CWJC No. 3620 of 2014]*** which order has been affirmed by the Apex Court in SLP No. 29800/2024.

7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the stand of the petitioner that the State Government in the Department of Finance has come out with Memo No. 5943 dated 25.06.2026, this Court deems it fit and proper to direct the concerned respondent No. 2 to consider the claim of the petitioner for revision of his pensionary benefits in the light of the aforesaid letters as well as judgments rendered by this Court as well as the Apex Court and take a fresh decision, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. It is made clear that this Court has not expressed any opinion on the merit of the case and the claim of the petitioner shall be considered in the light of the materials available on record in view of the subsequent development as recorded hereinabove.



9. The writ petition stands disposed with the aforesaid direction.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.07.2026
Transmission Date	

