

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18407 of 2013

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Bhagwan Das Son Of Late Ram Keshwar Ram Resident Of Mohalla - Chattar
Darwaja, Nai Sahar Daudnagar, P.S. Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Development Department,
Government Of Bihar, Patna
3. The Chief Engineer, Water Resources Development Department,
Government Of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Muzaffarpur
5. The Executive Engineer, Water Resources Department, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1, Advocate
For the Respondent/s : Mr. Anuj Kumar Sinha, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
CAV JUDGMENT

Date : 16-06-2026

Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

- “A) For quashing the order contained in Letter No.
3314 dated 05.12.2012 issued under signature of
Chief Engineer, Water Resources Department,
Muzaffarpur where by and where under rejected
the claim of the petitioner for calculate/count the
service period prior to his regularisation.
- B) For issuance of writ in nature of mandamum
commanding the respondents to calculate/count
the previous service rendered by the Petitioner as
daily wager and also from the date when he got
temporary status by him minimum pay of the scale
alongwith all other allowances by the order of this



Hon'ble Court dated 16.01.1998 passed in C.W.J.C. No. 11255 of 1995.

- C) For issuance of a direction to the Respondents to count the period of continuous service under the department and grant him to benefit of old pension scheme granting him to regular employee before year 2005.”

3. An interlocutory application bearing I.A. No. 1 of 2014 (974 of 2014) was filed, seeking amendment in the prayer portion of the main writ petition and vide order dated 02.09.2025, the interlocutory application was allowed. The petitioner was directed to file a fresh typed copy of paragraph no. 1 of the writ application, incorporating the additional prayer, which was allowed by the order passed in I.A. No. 1 of 2014, which is being reproduced hereinbelow:-

“d. For issuance of writ in the nature of Certiorari quashing the Paragraph 2 of the appointment letter contained in Annexure 2 of the writ petition whereby and where under it is stated that “Purb Ki Karyat Awadhi ki Ganana Seva Awadhi ki liya manya nahi hai” (Pass service will not be counted in Present Service).”

BRIEF FACTS

4. The brief facts, which are necessary to be taken into consideration for adjudication of the writ petition, are that the petitioner was initially engaged as a daily wager in the year 1979



to perform the duties of a class-IV post in the Punpun Flood Division, Karbigahiya, Patna under the Irrigation Department of the State of Bihar. The petitioner was being paid the remuneration for his work by the respondent-authorities. After completion of about 19 years of service, the petitioner, along with some others filed a writ petition bearing C.W.J.C. No. 11255 of 1995 (Kapileshwar Singh & Ors. versus the State of Bihar & Ors.), before this Hon'ble Court for issuance of a direction upon the respondent-authorities to regularise their services and to pay them equal pay for equal work. The writ petition filed by the petitioner and others was disposed of vide judgment dated 16.01.1998, with a direction to the respondent-authorities, including the District Magistrate, Patna to advertise the posts, prepare and finalise the panel for appointment, against the Class-IV posts in accordance with the guidelines mentioned in the order. It was directed that the weightage as stipulated therein in favour of the daily wage employees, age relaxation is to be given over outsiders. The panel has to be scrutinized by the District Magistrate concerned within a period of three months from the date of receipt/production of a copy of the judgment. It was further directed that during finalization of the panel, the District Magistrate, Patna will ascertain from different Mufassil Offices of all the department of



the State, which are situated in the district of Patna, the total number of Class-IV vacancies, existing in one or other offices. The Secretary of the Water Resources, Irrigation Department/ concerned Chief Engineer/Executive Engineer of the Division were also directed to intimate the District Magistrate, Patna the total number of existing candidates of all Class-IV posts within a period of three months from the date of receipt/production of a copy of the judgment. Thereafter, the District Magistrate, Patna was to make recommendation of the persons, whose names will appear in the panel, on the basis of their position in the merit list. Class IV vacancies of all the Mufassil offices of the district of Patna, was to be filled up on regular basis within one year from the date of approval of such panel. This process was to be followed by the District Magistrate, Patna in the subsequent years, till the guidelines framed by the State exists. So far as, the payment of wages on the principle of equal pay for equal work is concerned, the Hon'ble Court directed that the petitioners may move before the Chief Engineer concerned, who will find out as to what is the minimum pay scale prescribed for the post against which, one or other petitioners were functioning and then the petitioners would be paid minimum pay of the post against which the petitioners were performing duty, along with the admissible



allowances for the month from January, 1998 till the petitioners are regularised in service or provided with regular appointments. In compliance of the order dated 16.01.1998, passed in C.W.J.C. No. 11255 of 1995, final panel of Class-IV employees was prepared, department wise and the name of the petitioner was shown at serial no. 14 of the list. In the meantime, a office order was issued by the respondent-Chief Engineer, Water Resources Development Department, Government of Bihar, Patna by giving minimum scale of pay to the petitioner and several other similarly situated persons w.e.f. January 1998. Subsequently, vide order contained in Memo No. 1159 dated 30.06.2001 was issued, by which the petitioner and others similarly situated persons of the division and other divisions, were shifted from their place of posting to another place, only with a view to frustrate the right of the petitioner and others, which accrued on account of order dated 16.01.1998 passed by this Hon'ble Court. The petitioner was shifted to Tirhut Circle under the control of the Chief Engineer, Water Resources Department, Muzaffarpur and thereafter, was posted at the office of the Executed Engineer, Tirhut Canal Division, Muzaffarpur. The petitioner kept on working on the post, however temporary status was granted to the petitioner and other similarly situated employees after 1998, when minimum



scale of the post was granted and petitioner started getting salary from the State Government. Vide office order contained in Memo No. 2867 dated 14.08.2008, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur, the petitioner was appointed on the sanctioned post of Peon/Chaukidar in view of roster clearance given by the Commissioner, Tirhut Division vide his letter No. 3807 dated 06.08.2008 and in view of the directions contained in letter dated 16.03.2006 and 01.04.2006, issued from the Personal and Administrative Reforms Department, Government of Bihar, Patna. The petitioner was appointed as a Peon in the pay scale of Rs. 2500-3200/- with all the applicable allowances with immediate effect and was posted in Tirhut Canal Division No. 1, Muzaffarpur. Pursuant to issuance of Memo dated 14.08.2008, vide letter No. 3644 dated 15.10.2008, issued under the signature of the Chief Engineer, Water Resources Development Department, Government of Bihar, Patna, the services of the petitioner and similarly situated employees was confirmed w.e.f. 14.08.2008.

5. It is the case of the petitioner that he continuously worked in the services of the State Government for more than 25 years, prior to his regularisation, but his initial service was not



counted by the respondent-authorities for granting the benefits of services rendered prior to regularisation/appointment. The petitioner filed his representation before the authorities concerned for counting his past service for the purposes of pension in terms of Old Pension Scheme. It is the case of the petitioner that he is entitled for counting his services from 1979. When no action was being taken by the respondent-authorities on the representation filed by the petitioner, he was again constrained to file a writ petition filed bearing C.W.J.C. No. 5882 of 2012, before this Hon'ble Court with a prayer to count his service from his initial date of appointment/engagement for giving pensionary and other benefits. The writ petition filed by the petitioner was disposed of vide order dated 19.04.2012 by a learned Single Judge of this Court with a direction to the respondent to consider the representation of the petitioner in accordance with law and to dispose it of by a reasoned and speaking order, preferably within a maximum period of three months from the date of receipt/production of a copy of the order. In compliance thereof, the petitioner filed a representation on 30.04.2012 and 01.08.2012, alongwith the copy of the order dated 19.04.2012, wherein it was stated that he was engaged as a Daily Wager in 1979 and continuously worked under the department from one place to



another place with full satisfaction of the authorities concerned. He further submitted that on the directions of this Hon'ble Court, he started getting time scale of the post and the panel was prepared, wherein his name was mentioned as serial no. 14, but the respondent did not consider that aspect and regularised the service in the year 2008, therefore the petitioner is entitled for grant of pensionary benefits, counting his services from 1979. Finally, vide letter no. 3314 dated 05.12.2012, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur, the claim of the petitioner for counting his past services and shifting the date of regularisation, only for the limited purpose of counting pensionary benefits and other benefits was rejected.

SUBMISSION ON BEHALF OF THE PETITIONER

6. The learned counsel for the petitioner submits that the respondent authorities knowingly and willingly, with mala fide intention did not act on the panel in 1999 and not regularised the services of the petitioner, before implementation of the New Pension Scheme, which came to effect from 01.09.2005. The entire process of empanelment was completed in the year 1994 and an averment to that effect was made by the respondent authorities before the Hon'ble Patna High Court in a contempt



proceeding, filed by the petitioner against non-compliance of the order dated 16.01.1998 passed in C.W.J.C. No. 11255 of 1995.

7. The learned counsel for the petitioner submits that in a similar matter vide order dated 06.12.1993, learned Single Judge of this Court directed the respondent-State to issue sanction order within three months from the date of receipt/ production of a copy of the order and forwarded the same to Accountant General and the Accountant General was directed to issue authority slip on receipt of such sanction letter. Simultaneously, the respondent State was directed to serve statement showing amount sanctioned under different heads and if the petitioner will not be satisfied, it will be open to file a representation, which will be disposed of by the competent authority within three months after giving personal hearing to the petitioner, if anything is found to be due. Pursuant thereto, fresh sanction order will be issued and the Accountant General will issue authority slip within two weeks.

8. The learned counsel for the petitioner submits that the case of the petitioner is similar to the petitioner of C.W.J.C. no. 8626 of 1992, in as much as that he was working in the department for more than 38 years and filed a writ petition vide C.W.J.C. No. 1065 of 1990, which was disposed of with



direction to the respondent to consider the case of regularisation of the services of the petitioner. In spite of the direction, the respondent sat over the matter and did not take any step.

9. The learned counsel for the petitioner submits that the services of the petitioner and others was regularised on the verge of the retirement, only to deny the benefits, which they were entitled prior to coming into force the New Pension Scheme w.e.f. 2005. He further submits that the services of the petitioner was regularised w.e.f. his joining with a condition that his prior services will not be counted for giving benefit of service, which is arbitrary and against the service jurisprudence.

10. The learned counsel for the petitioner submits that as per Rule 58 of the Bihar Pension Rules, which states that the service must be under Government, employment must be substantial and permanent and the services must be paid by the Government. In the case of the petitioner, all the conditions have already been fulfilled by the petitioner, prior to his appointment/regularisation in the service, therefore Rule 58 of the Bihar Pension Rule is fully applicable in the present case. He submits that respondents did not take into consideration the fact that the petitioner rendered his services, without any break



since 1979 and received daily wages payment and minimum scale for the post, alongwith other admissible allowances.

CASE OF THE RESPONDENTS

11. A counter affidavit has been filed on behalf of the respondent nos. 3 to 5, wherein it has been pointed out that the petitioner was initially engaged as a daily wage employee, as per the requirement of the work in the department concerned. The petitioner was appointed as a regular Government Servant on 14.08.2008, against the sanctioned and vacant post, which clearly mentioned that the past services rendered as daily wager, will not be counted for services. The petitioner superannuated in the year 2013, and therefore, he only worked in regular establishment for 5 years. He submits that New Pension Scheme came into effect in the year 2005, and therefore, the petitioner is covered under the New Pension Scheme. The petitioner alongwith others filed C.W.J.C. no 5887 of 2012 before this Court and vide order dated 19.04.2012, direction was given to the department concerned to consider the representation of the petitioner. The Chief Engineer, Water Resources Department, Muzaffarpur had considered the same and passed reasoned and speaking order contained in Letter No. 3314 dated 05.12.2012.



SUBMISSION ON BEHALF OF THE RESPONDENTS

12. The learned counsel for the State-respondents submits that the services of the regular Government Servant will be governed by the Bihar Service Code and the Bihar Pension Rules. The provisions contained in Rule 56, Rule 58 and Rule 61 of Bihar Pension Rules prescribes that ‘unless it be otherwise provided by special rule or contract, the services of every government servant qualifies from the date on which he takes charges of the posts to which he is first appointed’. Further Rule 58 provides that ‘the services of a government servant does not qualify for pension unless it conforms to the following three conditions (i) The services must be under Government (ii) The employment must be substantive and permanent, (iii) The services must be paid by the Government’. Further Rule 61 provides that ‘Service does not qualify unless the Government servant holds substantively a post on a permanent establishment’. He submits that the petitioner was appointed as a regular Government servant on 14.08.2008 and from perusal of the provisions contained in Rules 56 and 58 of the Bihar Pension Rules, it is clear that the past services of the petitioner rendered as a daily wager cannot be added for the retiral or pensionary



benefits, as the petitioner became the Government servant only after his appointment in the year 2008.

13. A reply, to the interlocutory application filed on behalf of the petitioner has been filed, wherein it has been stated that since the petitioner was appointed in the year 2008 and superannuated in the 2013, therefore the petitioner had rendered only five years of continuous service. It has further been stated that at the time of appointment, the petitioner accepted all the terms and conditions mentioned in the appointment letter, he submitted his joining, he superannuated in the year 2013 and now after almost 17 years, the petitioner is challenging the averments made in paragraph no. 2 of the appointment letter, which is impermissible in law. It is stated therein that the petitioner cannot approbate and reprobate simultaneously.

14. The learned counsel appearing on behalf of the State-respondents submits that the doctrine of delay and laches rests on the foundation of greater public interest on the ground that the log dormant claims have more of cruelty than justice. The defendant loses the evidence and finally persons with good cause of action has to pursue the case with diligence. The doctrine of laches has been taken as equivalent to doctrine of waiver.

CASE LAW RELIED ON BEHALF OF THE PETITIONER



15. The learned counsel appearing on behalf of the petitioner refers to and relies on a judgment of the Hon'ble Division of this Court ***dated 26.06.2023 passed in L.P.A. no. 198 of 2016 (The Registrar General, Patna High Court versus Ram Vyas Dubey & Others.)***, wherein in paragraph nos. 10, 11, 12 and 13 it has been held as follows:-

“10. It is the categorical case of respondent no. 2-appellant that a minimum of 10 years of service as a regular employee is required to qualify for pension and the same has been fixed by the Government of Bihar. At this stage Rule 58 of the Bihar Pension Rules, 1950 which deals with the conditions of the service of a Government servant to qualify for pension may be referred to and the same is quoted hereinbelow:

“58. The service of a Government servant does not qualify for pension unless it conforms to the following three conditions :-

First- The service must be under Government.

Second -The employment must be substantive and permanent.

Third -The service must be paid by Government.

These three conditions are fully explained in the following sub-sections.

11. Rule 59 of the Bihar Pension Rules, 1950 provides that in certain cases even though the conditions are not fulfilled, the Government may provide that the service rendered by a Government servant shall count for pension. Under this provision the Government came out with Memo



No. Pen1024/69/11779 F., dated 12.8.1969 which is quoted hereinbelow for ready reference:

“Regarding:-Declaration of temporary service of a Government servant who is not confirmed as pensionable.

Under the existing pension rules, a temporaryGovernment servant if not confirmed in any post, is not entitled to pension unless his services are declared pensionable under rule 59 of the Bihar Pension Rules.

2. There are a large number of temporary Government servants employed under different schemes which are in existence for the last 15-20 years and it will cause hardship to them, if they are not allowed pension after their retirement.

3. The State Government after careful consideration have, therefore, been pleased to decide that, if the service of the temporary or officiating Government servant who is not confirmed in any post is continuous and is more than 15 years, it will be considered as pensionable under rule 59 of the Bihar Pension Rules.

*4. These orders will be applicable to Government servants retiring on or after 12 August, 1969. [*Vide Memo No. Pen 1024/69/11779 F., dated 12-8-1969.]”*

- 12. Reading of the above provisions clearly provide that even if a person has worked in a temporary capacity and has not been confirmed, if his service on any post is continuous and is for more than 15 years, then it may be considered as*



pensionable under Rule 59 of the Bihar Pension Rules, 1950.

13. *Taking into consideration the material on record, Rules 58 and 59 of the Bihar Pension Rules, 1950 and the Memo dated 12.8.1969 which has also been extracted in full by the learned Single Judge in the order impugned, the learned Single Judge was rightly pleased to allow the prayer sought for in the writ application.”*

16. The learned counsel for the petitioner further refers to and relies on a judgment **dated 07.08.2019** passed by a learned Single Judge of this Court in **C.W.J.C. no. 12833 of 2017 (Savita Devi versus the State of Bihar & Others)**, wherein in paragraph nos. 2, 4 and 5 it has been held as follows:-

“2. The learned counsel for the petitioner has relied upon a judgment rendered by a co-ordinate Bench of this Court dated 21.05.2010 passed in CWJC No. 14717 of 2009 (Parmeshwar Paswan vs. The State of Bihar & Ors.) to contend that the past services for the period 1.4.1977 onward are also required to be considered for the purposes of computation of the pension/ family pension amount in terms of Rule 59 of the Bihar Pension Rules. It would be relevant to reproduce paragraphs no. 8 to 14 of the aforesaid judgment rendered



in the case of Parmeshwar Paswan (supra) herein below:-

8. *Considering the rival submissions of the parties and their respective pleadings, it would appear that the basic facts with respect to appointment, allowing regular pay scale, gratuity, additional allowance and meeting the expenditure from general revenue of the State Government under the different head as indicated in Annexures -3 and 4. It is also not in dispute that the petitioner also got declared as Class – IV employee of State Government vide Annexure -5. It would be appropriate to refer Rules 58 and 59 in connection with entitlement of pension under the Bihar Pension Rules which are quoted below :-*

Rule :- 58 the services of a Government servant does not qualify for pension unless it conforms to the following three conditions :-

First – The Service must be under Government.

Second – the employment must be substantive and permanent.



Third - the service must be paid by Government.

These three conditions are fully explained in the following sub-sections.

Rule :- 59 The provincial Government may, however, in the case of service paid from general revenues, even though either or both of conditions (1) and (2) are not fulfilled.

- (1) declare that any specified kind of service rendered in a non- gazetted capacity shall qualify for pension.*
 - (2) In individual cases, and subject to such conditions as it may think fit to impose in each case, direct that service rendered by a Government servant shall count for pension*
- 9. On perusal of the aforesaid provision it would appear that Rule 58 prescribes three necessary conditions to be fulfilled for qualifying for pension by the Government servants. The conditions are that the service must be under Government, the employment must be substantive and permanent and the service must be paid by the government. The Rule*



59 empowers the State Government declare even though the person claiming pension may not fulfill the above conditions no. 1 and 2 to direct that the service rendered by the Government servant shall count for pension considering the individual cases with respect to any specific kind of service rendered in non-gazetted capacity having the paramount consideration for service of such individual cases that services must have been paid from the general revenue of the State Government.

- 10. The case of the petitioner that after initial appointment on the post of Chowkidar the regular pay scale revisions of pay scale as also the allowances and extending other benefits like payment of gratuity and exgratia amount to the legal representatives of the Chowkidar in case of his death even prior to 01.01.1990 were allowed. The expenditure on account of such payments were made from the public exchequer under the specific police heads mentioned in Annexure- 3 and 4 even before the petitioner*



alongwith other village Chowkidars were declared as Class – IV Employee. These facts are not in dispute.

- 11. The only reason for disallowing the benefit of pension is that in case, pension is allowed to the petitioner, the Government may be face more similar individual cases causing problem for the government in future. The stand is not justified in law in view of the provisions of rules 58 and 59 of the Bihar Pension Rules. Moreover, this court as per the order dated 29.04.2008 in C.W.J.C. No. 13634 of 2006 as contained in Annexure- 6 specifically directed for consideration by “State Government” to consider the case of the petitioner in terms of Rule 59 of the Bihar Pension Rules for considering the service rendered by him in between 01.01.1977 to 01.01.1990. The impugned order does not indicate any such consideration.*
- 12. Learned counsel for the State is not in a position to controvert the submissions of the petitioner that*



such considerations were made in the impugned order dated 18.06.2009 as contained in annexure- 8.

- 13. In the above circumstances and in view of the discussions made in the forgoing paragraphs, this court is unable to uphold the decision as contained in impugned order dated 18.06.2009 (Annexure-8), accordingly, the same is quashed with direction that the State Government should take conscious decision for counting the previous service of the petitioner between 01.01.1977 to 01.01.1990 for qualifying service for pension in light of the relevant consideration required to be taken under Rule 58 and 59 of Bihar Pension Rules in the individual cases. Such decision be taken after considering the entire facts and circumstances of the case in respect of the petitioner as also directed by the Court on the previous writ application filed by the petitioner Vide Annexure -6 within a period of six months on receipt/production of certified copy of the present order*



14. The writ application stands disposed of with the above observations/directions”.

- 4. Having regard to the facts and circumstances of the case, I deem it fit and proper to quash the order dated 21.4.2017 passed by the Secretary of Home (Police Department), Government of Bihar, Patna and remand the matter back to the State authorities to consider the case of the husband of the petitioner/ petitioner herein for grant of pension/ family pension and take a decision under Rules 58 and 59 of the Bihar Pension Rules.*
- 5. In the facts and circumstances of the case, considering the aforesaid judgment rendered in the case of **Parmeshwar Paswan** (supra), the writ petition stands allowed to the aforesaid extent.”*

CASE LAW RELIED ON BEHALF OF THE RESPONDENTS

17. Per contra, the learned counsel for the State refers to and relies on a judgment of the Hon’ble Supreme Court of India reported in **2002 SCC OnLine SC 295 (State of Bihar versus S.A. Hassan & Anr.)**, wherein in paragraph no.12 it has been held as follows:-

“12. Rule 58 is clear that a government servant does not qualify for pension unless he



conforms to three conditions viz. (1) his service must be under the Government, (2) the employment must be substantive and permanent, and (3) service must be paid by the Government. In view of this Rule the respondents cannot claim the period of their service before the College was taken over as they were neither under the employment of the Government nor were their salaries paid by the Government. Under the specific Rule 58 the past service rendered by the respondents in the College while it was under the private management cannot be counted.”

18. The learned counsel for the State further refers to and relies on a judgment of the ***Hon’ble Full Bench of this Court reported in 2014 (4) P.L.J.R. 229 (The State of Bihar & Anr. versus Bhagwan Singh)***, wherein Hon’ble Full Bench of this Court has held as follows:-

“We shall first consider the relevant provisions of the Pension Rules, 1950. Rule 56 of the Pension Rules provides that ‘unless it be otherwise provided by special rule or contract, the service of every government servant qualifies from the date he takes the charge of the post to which he is first appointed’. Rule 58 thereof provides that the service of a Government servant does not qualify for pension unless it conforms to the following three conditions:-



(i) The service must be under Government.

(ii) The employment must be substantive and permanent.

(iii) The service must be paid by Government.

Rule 61 thereof provides, 'service does not qualify unless the Government servant holds substantively a post on a permanent establishment'.

Rule 45 thereof expressly excludes certain service for computation of pension. Clause (a) thereof reads, 'when a government servant is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged'. Clause (b) thereof reads, 'when a person is employed temporarily on monthly wages without specified limit of time or duty'.

It is apparent that the above-referred provisions were not brought to the notice of the learned single Judge or before the Division Bench in the matter of State of Bihar v. Chandrika Rai (Letters Patent Appeal No. 1343 of 1998).

Keeping in view the above provisions, we are of the opinion that the service rendered by the petitioner as daily wage Choukidar under the Executive Engineer, Tubewell Division, Gaya cannot be said to be a service for which the petitioner was paid



from the general revenue of the State Government or the service rendered on a substantive post in a permanent establishment. Such service, although was followed by absorption on regular establishment, will not qualify for pension. Therefore, the service rendered by the petitioner, as daily wage employee from April 1973 to December 1978, was not a pensionable service or did not qualify for pension. On his retirement from service or his superannuation from service, he would be entitled to pension for the service rendered on a substantive post from 1st January 1979 till the date he retired from service.”

19. The learned counsel for the State further refers to and relies on a judgment of a learned Single Judge of this Hon’ble Court in the case of ***Ram Naresh Jha versus the State of Bihar & Others passed in C.W.J.C. no. 1109 of 2015***, wherein it has been held as follows:-

“5. The issue raised in the present case is no more res integra. In The State of Bihar & Anr. vs. Bhagwan Singh (since dead) [2014(4) PLJR 229], a Full-Bench of this Court had an occasion to consider the issue raised in the present writ petition. The Bench after taking into consideration the relevant provisions of Bihar Pension Rules, 1950, i.e., Rules 56, 58 and 61 held that the



service rendered by a person as daily wage employee cannot be said to be a service for which the petitioner was paid from the general revenue of the State Government or the service rendered on a substantive post in a permanent establishment. It held that such service, even if it is followed by absorption on regular establishment, will not qualify for pension.

6. *In view of the above binding precedent of this Court, the prayer of the petitioner cannot be allowed. It is dismissed, accordingly.”*

20. The learned counsel for the State further refers to and relies on a judgment of the Hon’ble Supreme Court of India reported in **2022 (2) SCC 25 (Union of India & Others versus N. Murugesan & Others)**, wherein it has been held as follows:-

“25. Acquiescence would mean a tacit or passive acceptance. It is implied and reluctant consent to an act. In other words, such an action would qualify a passive assent. Thus, when acquiescence takes place, it presupposes knowledge against a particular act. From the knowledge comes passive acceptance, therefore instead of taking any action against any alleged refusal to perform the original contract, despite adequate knowledge of its terms, and instead being allowed to continue by consciously ignoring it and thereafter proceeding further, acquiescence does take



place. As a consequence, it reintroduces a new implied agreement between the parties. Once such a situation arises, it is not open to the party that acquiesced itself to insist upon the compliance of the original terms. Hence, what is essential, is the conduct of the parties. We only dealt with the distinction involving a mere acquiescence. When acquiescence is followed by delay, it may become laches. Here again, we are inclined to hold that the concept of acquiescence is to be seen on a case-to-case basis.

Approbate and reprobate

- 26.** *These phrases are borrowed from the Scots law. They would only mean that no party can be allowed to accept and reject the same thing, and thus one cannot blow hot and cold. The principle behind the doctrine of election is inbuilt in the concept of approbate and reprobate. Once again, it is a principle of equity coming under the contours of common law. Therefore, he who knows that if he objects to an instrument, he will not get the benefit he wants cannot be allowed to do so while enjoying the fruits. One cannot take advantage of one part while rejecting the rest. A person cannot be allowed to have the benefit of an instrument while questioning the same. Such a party either has to affirm or disaffirm the transaction. This principle has to be applied with more vigour as a*



common law principle, if such a party actually enjoys the one part fully and on near completion of the said enjoyment, thereafter questions the other part. An element of fair play is inbuilt in this principle. It is also a species of estoppel dealing with the conduct of a party. We have already dealt with the provisions of the Contract Act concerning the conduct of a party, and his presumption of knowledge while confirming an offer through his acceptance unconditionally.

27.2.*State of Punjab v. Dhanjit Singh Sandhu [State of Punjab v. Dhanjit Singh Sandhu, (2014) 15 SCC 144] : (SCC pp. 153-54, paras 22-23 & 25-26)*

“22. The doctrine of “approbate and reprobate” is only a species of estoppel, it implies only to the conduct of parties. As in the case of estoppel it cannot operate against the provisions of a statute. (Vide CIT v. MR. P. Firm Muar [CIT v. MR. P. Firm Muar, AIR 1965 SC 1216] .)

23. It is settled proposition of law that once an order has been passed, it is complied with, accepted by the other party and derived the benefit out of it, he cannot challenge it on any ground. (Vide Maharashtra SRTC v. Balwant Regular Motor Service [Maharashtra SRTC v. Balwant Regular Motor Service, AIR 1969 SC 329] .) In R.N. Gosain v.



Yashpal Dhir [R.N. Gosain v. Yashpal Dhir, (1992) 4 SCC 683] this Court has observed as under : (R.N. Gosain case [R.N. Gosain v. Yashpal Dhir, (1992) 4 SCC 683] , SCC pp. 687-88, para 10)

‘10. Law does not permit a person to both approbate and reprobate. This principle is based on the doctrine of election which postulates that no party can accept and reject the same instrument and that ‘a person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid, and then turn round and say it is void for the purpose of securing some other advantage’.’

25. The Supreme Court in Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corpn. Ltd. [Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corpn. Ltd., (2013) 5 SCC 470 : (2013) 3 SCC (Civ) 153] , made an observation that a party cannot be permitted to “blow hot and cold”, “fast and loose” or “approbate and reprobate”. Where one knowingly accepts the benefits of a contract or conveyance or an order, is estopped to deny the validity or binding effect on him of such contract or



conveyance or order. This rule is applied to do equity, however, it must not be applied in a manner as to violate the principles of right and good conscience.

26. *It is evident that the doctrine of election is based on the rule of estoppel, the principle that one cannot approbate and reprobate is inherent in it. The doctrine of estoppel by election is one among the species of estoppel in pais (or equitable estoppel), which is a rule of equity. By this law, a person may be precluded, by way of his actions, or conduct, or silence when he has to speak, from asserting a right which he would have otherwise had.”*

21. The learned counsel for the State refers to and relies on a judgment of the Hon’ble Supreme Court of India reported in 2022 LiveLaw (SC) 232 (***Surjeet Singh Sahni versus State of U.P. & Others***), wherein it has been held as follows:-

- “5. *As observed by this Court in catena of decisions, mere representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously and within reasonable time. If it is found that the writ petitioner is guilty of delay and latches, the High Court should dismiss it at the threshold and ought*



not to dispose of the writ petition by relegating the writ petitioner to file a representation and/or directing the authority to decide the representation, once it is found that the original writ petitioner is guilty of delay and laches. Such order shall not give an opportunity to the petitioner to thereafter contend that rejection of the representation subsequently has given a fresh cause of action.”

22. Similarly, the learned counsel for the State refers to and relies on a judgment of this Court passed in ***C.W.J.C. no. 13306 of 2023 (Gyasuddin versus the State of Bihar & Others)***, wherein it has been held as follows:-

“6. Having heard the Ld. counsel for the parties and having gone through the materials on record, this Court finds that the present writ petition is fit to be dismissed on the ground of delay and laches alone, inasmuch as the petitioner has approached this Court belatedly after a lapse of about 26 years. Thus, considering the principles laid down by the Hon’ble Apex Court in a catena of judgments, as referred to by the Ld. counsel for the Respondent-State and recorded herein above in the preceding paragraphs, as also considering the maxim-“equity aids the vigilant and not those who slumber on



their rights”, this Court is of the view that since the petitioner has not filed the writ petition within a reasonable period of time, this Court is not under any legal obligation to entertain the writ petition, especially considering the fact that the petitioner has not offered any reason whatsoever, for the enormous delay which has taken place in approaching this Court, hence, the present writ petition is dismissed on the ground of delay and laches.

7. *In fact, in a judgment, rendered by the Hon’ble Apex Court in the case of P. S. Sadasivaswamy vs. State of Tamil Nadu, reported in (1975) 1 SCC 152, the Hon’ble Apex Court has held that in a service matter/promotion matter, an aggrieved person should approach the Court at least within six months or at the most a year of the arising of a cause of action and it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 of the Constitution of India, in the case of persons who do not approach it expeditiously for relief and such petitions should be dismissed in limine, inasmuch as entertaining such petitions is a waste of time of the Court, the same clogs the work of the Court and impedes the work of the Court in considering legitimate grievances. In yet another judgment, rendered by the Hon’ble Apex Court in the case of Naresh*



Kumar vs. Department of Atomic Energy & Others, reported in (2010) 7 SCC 525, the Hon'ble Apex Court has held that the High Court was not in error while dismissing the writ petition on the ground of unexplained delay and laches of about 8 years.

8. *At this juncture, it would be gainful to reproduce paragraphs No. 1, 16, 17 and 34 of the Judgment rendered by the Hon'ble Apex Court in the case of Chennai Metropolitan Water Supply & Sewerage Board (Supra), herein below:-*

"1. The present appeal, by special leave, is directed against the judgment and order dated 22-11-2012 passed by the High Court of Judicature of Madras in Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu whereby the Division Bench has affirmed the judgment and order dated 21-7-2011 in WP No. 25673 of 2007 whereunder the learned Single Judge had allowed the writ petition, and after setting aside the punishment of dismissal, directed reinstatement of the respondent with continuity of service but without back wages.

16. *Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an*



extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach



gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons — who compete with “Kumbhakarna” or for that matter “Rip Van Winkle”. In our considered opinion, such delay does not deserve any indulgence & on the said ground alone the writ court should have thrown the petition overboard at the very threshold.

34. *Judged on the anvil of the aforesaid premises, the irresistible conclusion is that the interference by the High Court with the punishment is totally unwarranted and unsustainable, and further the High Court was wholly unjustified in entertaining the writ petition after a lapse of four years. The*



result of aforesaid analysis would entail overturning the judgments and orders passed by the learned Single Judge and the Division Bench of the High Court and, accordingly, we so do.”

CONSIDERATION AND ANALYSIS

23. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was initially engaged as a daily wage employee in the year 1979, to perform the duties of a Class-IV employee and later on, was given minimum scale of pay along with other similarly situated employees w.e.f January 1998, in compliance of order dated 16.01.1998 passed in C.W.J.C. No. 11255 of 1995. The petitioner kept on working on the post, however temporary status was granted to him after 1998, when minimum scale of post was granted and the petitioner started getting salary from the State Government. Finally, the petitioner was appointed on the sanctioned post of Peon/Chaukidar vide office order contained in Memo No. 2867 dated 14.08.2008, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur, in view of the roaster clearance given by the Commissioner, Tirhut Division vide his letter no. 3807 dated 16.08.2008 and in view of the directions contained in letter dated 16.03.2006 and 01.04.2006, issued from the Personal and Administrative Reforms



Department, Government of Bihar, Patna. Accordingly, he was appointed as a Peon in the pay scale of Rs. 2500-3200/- with all the applicable allowances and was posted in the Tirhut Division No.1, Muzaffarpur. Later on, his service was confirmed w.e.f. 14.08.2008 vide letter no. 3644 dated 15.10.2008, issued under the signature of the Chief Engineer, Water Resources Development Department, Government of Bihar, Patna. The petitioner was not granted the benefit of his past service, although, admittedly he was working on the post since 1979, without any break and therefore, he filed a writ petition bearing C.W.J.C. No. 5882 of 2012, for a direction to count his service from his initial date of appointment/engagement and for giving pensionary and other benefits. The above-mentioned writ petition was disposed of vide order dated 19.04.2012 passed by a learned Single Judge of this Court with a direction to the respondents to consider the representation of the petitioner in accordance with law. Subsequently, vide letter no. 3314 dated 05.01.2022, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur, the claim of the petitioner for counting his past services and shifting the date of regularisation, only for the limited purposes of counting pensionary benefits and other benefits, was rejected. It appears that while issuing the



appointment letter to the petitioner on 14.08.2008, it was specifically mentioned that "इनकी नियुक्ति पूर्णतः अस्थायी है। पूर्व की कार्यरत अवधि की गणना सेवा अवधि के लिए मान्य नहीं होगी।" and based on the above, the respondent-authorities did not consider the case of the petitioner for counting his service from the initial date of engagement as a daily wager i.e. 1979. It is not in dispute that the petitioner continuously performed the duties of a daily wager from 1979, without any break, on a sanctioned post and was granted minimum scale of pay w.e.f. January, 1998. He was finally regularised on 14.08.2008, however the said appointment letter was issued with a rider, that his previous services would not be countered for giving any pensionary benefit. The Chief Engineer rejected the claim of the petitioner for counting his past service on the above mentioned ground, without even taking into consideration the fact that in the State of Bihar not very large percentage of population has the source of livelihood, while the remaining population do not have any permanent means to fetch a source of livelihood. The petitioner found the source of livelihood for his family and still for the reasons best known to the authorities, the petitioner had to consistently remain before either this Court or before the authorities concerned, to secure the financial resource to feed his family, all through his life. The



petitioner admittedly was working as a daily wager since 1979, till regularisation in 2008 and finally, superannuated in the year 2013, thereby he worked for almost 34 years and retired without finding a permanent financial stability. While considering the case of the petitioner, this Court came across a judgment rendered by the Hon'ble Division Bench of this Court in the case of ***Ashok Kumar Sharma versus the State of Bihar and Others (LPA No. 1690 of 2013)***, wherein similar issue had come up for consideration before the Hon'ble Division Bench, wherein the Hon'ble Division Bench was pleased to hold that *“Having considered the matter, in our view, learned counsel for the appellants is correct. Considering the history of events up to 1990, as noted above, what was considered for regularization was a daily wager having worked for more than 240 days simplicitor, was the earlier State Government decision and which had been extended pursuant to trade union agreement. This was also in consonance with the resolution of the State Government in the Personnel Department dated 10.05.2005. which is a part of the proceedings itself. This clearly shows that right till the year 2005, State was only contemplating regularization with restriction that the said daily wager must have worked for 240 days. There was a clear distinction maintained when the 2006*



resolution was taken. There were two classes. First, where the State Government was bound by the trade union agreement in respect of daily wagers up to 11.12.1990 and second those who came thereafter. Therefore, there were two different categorizations in this resolution dated 16.03.2006. It is wrong to say that there was conflict between the Clause-1 of the said resolution and Clause-3. The two contemplated two different periods. The writ petitioners/appellants, falling within the first period i.e. till 11.12.1990, were rightly treated and regularized as per Annexure-6 to the writ petition with effect from 22.12.2006. This distinction was not brought out clearly before the learned Single Judge because of which the learned Single Judge applied Clause-3 of this resolution, which applied to only those people who had joined as daily wagers after 11.12.1990. Having considered the matter, in our view, the impugned order, being Annexure-7 to the writ petition, recalling the regularization order dated 22.12.2006 (Annexure-6 to the writ petition), is set aside. The effect would be that the three writ petitioners/appellants would be deemed to be working duly regularized vide Annexure-6 to the writ petition. As their services are terminated by Annexure-7 dated 02.01.2013 and have not worked since then, upon their reinstatement, they would be deemed as regularized employees



but they would not get any back wages. They would be reinstated within two months from today. They would also be entitled to continuity in service.”

24. From the judgment rendered by the Hon'ble Division Bench in the case of *Ashok Kumar Sharma (supra)*, it will transpire that the State authorities were engaging persons on daily wages basis to carry out the work of the State Government in different departments. It is not in dispute that the petitioner was engaged in the year 1979 and a conscious decision was taken by the State of Bihar vide Memo No. 5940 dated 18.06.1993, to regularise the services of daily wage employee, who were appointed prior to the cut off date i.e. 01.08.1985 and in the said resolution, it was clearly mentioned that after the cut off date, no recruitment will be made on daily wage. The petitioner was appointed in 1979, therefore, his case is covered by the resolution dated 18.06.1993, which subsequently was extended, in view of the demands raised by the employees trade union and two groups were classified. The case of the petitioner falls within the first classified group, wherein all such employees were directed to be considered for regularization, who had worked for 240 days, prior to 01.08.1985. The petitioner was regularised on 14.08.2008 and was entitled for grant of pensionary benefits, counting his



services from 1979, since he had continuously discharged the duty of the post and his duties were perennial in nature and he kept on discharging the duty, as a regular employee. No complaint whatsoever has been brought on record by the authorities concerned to suggest that the petitioner did not perform his duties to the satisfaction of the respondent authorities.

25. In a recent decision of the Hon'ble Supreme Court of India dated 19.08.2025 passed in ***Civil Appeal No. 8558 of 2018 (Dharam Singh & Ors. versus State of U.P. & Anr.)***, the Hon'ble Supreme Court of India, while considering regularization of persons appointed on daily wages, allowed the civil appeal and in paragraph nos. 11, 13, 17 and 18 has held as follows:-

*“11. Furthermore, it must be clarified that the reliance placed by the High Court on **Umadevi (Supra)** to non-suit the appellants is misplaced. Unlike **Umadevi (Supra)**, the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgement of need and decades of continuous reliance on the very workforce. On the other hand, **Umadevi (Supra)** draws a distinction between illegal appointments and irregular engagements and does not endorse the*



perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in (Jaggo v. Union of India⁴ and in Shripal & Another v. Nagar Nigam, Ghaziabad⁵) have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods. The principles articulated therein apply with full force to the present case. The relevant paras from Shripal (supra) have been reproduced hereunder:

“14. The Respondent Employer places reliance on Umadevi (supra)² to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for



permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. *It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records-despite directions to do so-allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite "temporary" employment practices as done by a recent judgment of this court in Jaggo v. Union of India³ in the following paragraphs:*

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase



in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

.....

25. *It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:*

- *Misuse of “Temporary” Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives*



workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- *Arbitrary Termination: Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*
- *Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.*
- *Using Outsourcing as a Shield: Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.*
- *Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security*



subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.””

13. *As we have observed in both **Jaggo (Supra)** and **Shripal (Supra)**, outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission’s further contention that the appellants are not “full-time” employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State’s refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.*

17. *Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in*



public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.

26. Similarly, the Hon’ble Supreme Court of India in a decision dated 01.06.2026 passed in ***Civil Appeal No. 8354-8356 of 2026 arising out of SLP(C) No. 28802-28804 of 2019 (Bhikni Devi etc versus the Union of India & Ors)***, while allowing the appeal, in paragraph no. 76 has held that the temporary status



casual labourers would be entitled to pensionary benefits on superannuation, even in the absence of regularization.

27. In the present case, the petitioner has already been regularised, however his past services have not been considered for granting the benefits of pension.

28. Accordingly, the order contained in Letter No. 3314 dated 05.12.2012, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur and paragraph no.2 of the appointment letter contained in Memo No. 2867 dated 14.08.2008, issued under the signature of the Chief Engineer, Water Resources Department, Muzaffarpur, wherein it has been mentioned that “Purb ki Karyarat Awadhi Ki Ganana Seva Awadhi ke Liye Manya Nahi Hogi” are set aside. Since the petitioner performed the duties, which were perennial in nature, he cannot be denied pensionary benefits and other benefits, treating his services from 1979, only for the purposes of giving pension and other benefits. The petitioner is held entitled for all the pension and pensionary benefits, treating his services from 1979, notionally. The respondents are directed to make payment of all the pensionary benefits to the petitioner within a period of three months from the date of receipt/production of a copy of the order.



29. The entire exercise must be completed within a period of three months and the benefits accruing to the petitioner must be credited in his account within the aforementioned period of three months.

30. With the aforementioned observations and directions, the writ petition is allowed.

31. Pending applications if any, shall also stands disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	AFR
CAV DATE	07.04.2026
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