

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18343 of 2023

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Uday Krishan Lal son of Ram Prasad Lal, Resident of Mohalla-Mahadevapur,
P.S.-Masaurhi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
4. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
5. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
6. The Superintending Engineer, Road Construction Department, North Bihar, Road Circle, Muzaffarpur.
7. The Superintending Engineer, Central Circle, Road Construction Department, Patna.
8. The Executive Engineer, Road Construction Department, Road Division, Sheohar, District-Sheohar.
9. The Accountant General Mahalekhakar Bhawan, Veer Chand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Ranjeet Kumar (AC to SC-23)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-07-2026

None appeared on behalf of the petitioner, even after repeated calls. However, learned counsel for the State is present.

2. Upon perusal of the prayer portion of the writ



petition, it transpires that the writ petition has been filed with a view to direct the respondent authorities to count the service of the petitioner rendered as a work charge employee on the post of Road Roller Driver pursuant to Memo No. 273 dated 20.07.1985, as the petitioner has submitted his joining on 21.07.1985 and regularized on 31.07.2014 for pensionary benefits and other retiral benefits by counting his length of service from his date of joining as a work charge Establishment employee from 15.06.1985 upto his date of retirement i.e. 30.06.2020.

3. It has been pleaded in the writ petition that the petitioner has joined the P.W.D. Department in the year 1984 as a daily wage employee and appointed on the post of Road Roller Driver in work charge Establishment *vide* Letter No. 2033 dated 15.06.1985. Subsequently, as a policy, the services of the petitioner was regularized on the post of Road Roller Driver pursuant to Memo No. 246 dated 31.07.2014 by the order of the Executive Engineer and thereafter, he retired on 30.06.2020. It has been further pleaded in the writ petition that the retiral benefit amount was paid to the petitioner by counting his past services in work charge department by counting five years of his services equivalent to one year. But, a



discrimination has been made and the petitioner has been deprived from the benefit of past services by making an unreasonable classification. It has been further pleaded that the petitioner has earlier moved before this Hon'ble Court for payment of GPF amount in C.W.J.C. No. 5466 of 2021 and further for interest of GPF in C.W.J.C. No. 7871 of 2023. It has also been pleaded in the writ petition that the petitioner is entitled for pensionary benefit by taking into consideration the entire length of service and accordingly, the PPO may be modified and pension, gratuity etc. may be modified and be paid to the petitioner.

4. Learned counsel for the State, on the other hand, submits that counter affidavit on behalf of respondent nos. 2, 4 to 8 has been filed. He submits that the admitted position is that the petitioner was appointed on the post of Road Roller *vide* Letter No. 2285 dated 05.07.1985 in the office of Superintending Engineer, Central Road Circle, Patna and the petitioner has submitted his joining on 09.07.1985 and pursuant to Letter No. 246 dated 31.07.2014, his service was regularized in the light of letter issued by the Finance Department. He further submits that the petitioner superannuated on 30.06.2020 and in the light of Finance Department Resolution No. 10710



dated 17.10.2023, pension of the petitioner was sanctioned and the length of the service of the petitioner has been properly counted. Counsel submits that in the light of decision made by the Hon'ble Supreme Court of India in Civil Appeal No. 3157 of 2023, the five year period of work charge shall be equivalent to one year regular service for the purpose of pension and gratuity has been decided by the Government by Finance Department Resolution No. 10710 dated 17.10.2023 and accordingly, calculation has been made with regard to the petitioner and other similarly persons. The said resolution was challenged before the Hon'ble Supreme Court of India, but it was upheld. In this regard, a letter has been issued by the Under Secretary, Road Construction Department, Bihar, Patna to the Executive Engineer, Road Construction Department, Road Division, Sheohar (annexed as Annexure-A to the counter affidavit).

5. Learned counsel for the State further submits that the said resolution No. 10710 dated 17.10.2023 has been fully complied for the petitioner and in the light of said letter dated 13.11.2023 which is annexed as Annexure-A to the counter affidavit, grievance of the petitioner has been settled.

6. In the light of pleadings made by the petitioner in the writ petition and the submissions made by learned counsel



for the State, this Court has put specific question to the State that whether payment of GPF has been made on similar treatment i.e. five years of work charge equivalent to one year regular service, the answer has come in affirmative.

7. In this view of the matter, it transpires to this Court that the petitioner has no grievance left. Hence, this writ petition stands disposed off without any instruction/direction.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/07/2026
Transmission Date	NA

