

**Gupteshwar Singh and ors. Vs. State of Bihar and ors.**

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**Court :** Patna

**Decided On :** Nov-26-2002

**Judge :** Shiv Kirti Singh, J.

**Acts :** Service Law

**Appeal No. :** C.W.J.C. Nos. 9165, 11002, 11248, 11306, 11321, 11402, 11545, 12072, 12464, 12488 and 12490 of 2002

**Appellant :** Gupteshwar Singh and ors.

**Respondent :** State of Bihar and ors.

**Disposition :** Petition allowed

**Judgement :**

**Shiva Kirti Singh, J.**

1. Heard learned Counsel for the petitioner learned Counsel for the State and learned Counsel appearing for Accountant General Bihar.

2. Petitioners in all these writ petitions claim to have been appointed as temporary Muharrirs/Sangrahaks in the various revenue division of the State of Bihar. They claim that pursuant to policy decision of the Water Resources Department, Government of Bihar dated 2-5-1992 (Annexured-3) their services were regularised some time in the year 1992-93 and after completing the permissible

period of service they all have retired but they are not being paid their pension on the ground that after regularisation they have not completed ten years of service so as to make them eligible for pension under the Bihar Pension Rules. The prayer in these writ petitions is to direct the respondents to pay the retirement and pensionary benefits including gratuity to the petitioners without delay and for that relief petitioners have relied upon judgments of this Court contained in Annexures-6 and 8 which were given by single Judge and Annexure-7 which was by a Division Bench in Letters Patent Appeal confirming the judgment contained in Annexure-6. It also appears that against the judgments contained in Annexures 6 and 7 the State had preferred a Special Leave Petition before the Supreme Court which was dismissed on 28th February, 2002 vide order contained in Annexure-9 passed in Civil Appeal No. 2070 of 1999.

3. Learned Counsel for the State has failed to show any good ground as to why the State is treating the petitioners differently than the petitioners in whose favour this Court has already decided the relevant issue through judgments noticed above.

4. In the facts and circumstances of the case, this Court is satisfied that the petitioners have been forced to move this Court only because respondents are not prepared to examine the claims of the petitioners in the light of judgments given by this Court as contained in Annexures 6, 7 and 8. It is unfortunate that even after relevant issue has been decided by this Court the authorities of the State are not taking the required steps and are forcing individual retired employees to move this Court to claim pensionary benefits on the principles which already stand determined by this Court. The Secretary, Department of Irrigation is directed to issue necessary instructions in this regard so that un-necessary burden is not created upon this Court by way of un-necessary writ petitions for retiral benefits. Such circular should clearly indicate that cases of individual claimants should be examined by an Officer of particular rank or status and unless there be good reasons based upon difference in facts, all similarly situated employees must be given the benefits of retiral benefits in terms of principles decided by this Court in relation to similarly situated Muharrirs/ Sangrahaaks who retired from different Revenue Divisions of the Irrigation Department, Government of Bihar. The claims

of the writ petitioners is remitted to Respondent No. 3, the Special Officer-cum-Deputy Secretary, Department of irrigation and to the Deputy Collectors of concerned revenue divisions who have been made Respondent No. 4 in all the writ petitions. The claims of the petitioners must be decided by Respondents 3 and 4 in accordance with Principles decided by this Court through judgments contained in Annexures 6, 7 and 8 within a period of three months from the date of production/communication of a copy of this order before them. Once the decisions are taken and it is found that petitioners are entitled for the pensionary benefits in terms of judgments of this Court then the pensionary benefits must be sanctioned and authorised for payment within a further period of two months thereafter. 5. The writ petitions are allowed to the aforesaid extent.

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