

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6882 of 1998

1. Ashish Kumar Bagchi
2. Parimal Kansabamik
3. Sadanand Rai
4. Arjun Kumar Rai
5. Amlendu Kumar Sharma
6. Nageshwar Poddar

.... Petitioners

Versus

The Bihar State Electricity Board & Ors

.... Respondents

with

Civil Writ Jurisdiction Case No. 1782 of 1999

1. Arun Kumar Keshri
2. Jai Shankar Kumar Rajak
3. Shekhar Kumar Gupta
4. Vinay Kumar Yadav
5. Kailash Kumar Gupta
6. Jagat Kishore Prasad

.... Petitioners

Versus

The State of Bihar & Ors

.... Respondents

Appearance :

(In CWJC No. 6882 of 1998)

For the Petitioners : Mr. Siyaram Shahi, Advocate

Mr. S.S.Rekhi, Advocate

For the Respondents: Mr. Vinay Kirti Singh, SC, SBP Comp. Ltd

Mr. Vijay Kr. Verma & Akhleshwar Singh

(In CWJC No. 1782 of 1999)

For the Petitioners : Mr. Er.Harendra Kumar, Advocate

For the Respondents: Mr. Vinay Kirti Singh, Advocate

Mr. Vijay Kr. Vema, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 27-02-2015

The issue involved in both these two writ applications under Article 226 of the Constitution of India is identical and almost on similar facts. The petitioners have sought for a

direction from this court for regularization of their services in the erstwhile Bihar State Electricity Board. It is their common case that they were engaged for distribution of bills among the consumers, on commission basis.

A counter affidavit has been filed on behalf of the respondents- Bihar State Electricity Board bringing on record an order dated 05.11.1997 passed in L.P.A. No. 1245 of 1997 (Kamlesh Kumar Singh vs. the State of Bihar & Ors) which reads thus:-

"This appeal is directed against an order dated 16.09.97 passed in C.W.J.C. No. 4297 of 1996 whereby the submission of the appellant for regularizing the services as contingent Bill Clerk has been repealed. The finding is that he was not employed in the Board and also not working in the Board, the appellant also could not produce any appointment letter to substantiate his pleading. This being so no interference in appeal is called for.

The appeal is, accordingly, dismissed".

Learned counsel appearing on behalf of the petitioners do not dispute that they were also appointed as contingent Bill Clerks as was in case of the appellant before this court in case of *Kamlesh Kumar Singh vs. the State of Bihar & Ors* (supra).

From the annexures brought on record along with the writ applications, I do not find that any appointment letter was issued in favour of the petitioners of CWJC No. 6882 of 1998. Learned counsel appearing on behalf of the petitioners, Mr. Siyaram Shahi, however, has tried to convince me by drawing my attention to annexure-2 to the writ application, i.e., CWJC

No. 6882 of 1998, that by a positive order the petitioners were directed to be engaged. Mr. Harendra Kumar, learned counsel appearing on behalf of the petitioners of CWJC No. 1782 of 1999 has, on the other hand, drawn my attention to annexure-2 to contend that appointment letters were issued in their favour.

Even if these submissions are accepted that appointment letters were issued or the orders were issued engaging the petitioners as contingent Bill Clerks on commission basis, I am of the view that these cases are squarely covered by the division Bench order of this court dated 05.11.1997 in case of *Kamlesh Kumar Singh vs. the State of Bihar & Ors* (supra). I further find that there is no averment in the writ applications as to the dates since the respondents are not taking work from the petitioners. It has been stated at the Bar that the petitioners are out of service for more than a decade. I do not find any prayer for their reinstatement.

In such circumstances, these writ applications cannot be entertained and are, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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