

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5952 of 2001

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Ramanand Singh, son of Late Harihar Singh @ Harihar Prasad Singh, aged about 44 years, resident of village- Kholpur, P. O. – Parura Rampur, P.S. Sandesh, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Water Resources, Govt. of Bihar, Patna.
3. The Chief Engineer, Dehri-On-Sone, District- Rohtas at Sasram.
4. The Superintendent Engineer, Department of Water Resources, Bhojpur, Arrah.
5. The Executive Engineer, Sone Canal Division, Bhojpur, Arrah.
6. The Sub. Divisional Officer, Sone Canal Sub-division, Sahar, District- Bhojpur, Arrah.
7. The Junior Engineer, Sone canal Section, Sandesh, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh, Adv.
Mr. Rajnish Kumar Choubey, Adv.
For the State : Mr. Ashok Kumar Choudhary, AAG –XIII
Mr. Reema Kumar, A. C. to AAG XIII

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 31-07-2015

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of respondents- State .

2. This is an application seeking direction to the respondents to consider the case of the petitioner for regularization of his service on the post of Meth in Water Resources Department (Sone

Canal Division), Government of Bihar. It is his case that the petitioner's father late Harihar Singh @ Harihar Prasad Singh was posted as Chaukidar under Water Resources Department under Work Charge Establishment. He died on 15.2.1981. Out of compassion, the petitioner was engaged on daily wage basis with effect from 4.1.1982 since when he is said to be working as such.

3. Learned counsel appearing on behalf of the petitioner has contended that since the petitioner has been discharging his duty, though on daily wage basis for more than three decades, respondents should consider his case for regularization.

4. On the other hand, learned counsel appearing on behalf of respondents- State of Bihar has submitted that the petitioner's father was working under work charged establishment and upon his death, there was no question of appointment of the petitioner on compassionate ground, there being no such scheme providing compassionate appointment to the deponents of the employees who died while working in work charged establishment. She submits that petitioner's initial engagement cannot be said to be legal having not been made after following due process and he cannot claim by way of right, any direction from this Court under Article 226 of the Constitution of India for regularization of his service.

5. In reply, learned counsel appearing on behalf of the

petitioner has drawn my attention to paragraph 11 of the counter affidavit and has contended that respondents themselves have taken stand before this Court that they are considering the case of the petitioner and other persons working on muster roll.

6. Learned counsel appearing on behalf of State of Bihar appears to be right in her submission that this Court cannot issue any direction for regularization of the petitioner's service since the petitioner has not been able to establish any such statutory right before this Court. However, it will be open to the State-respondents to consider the petitioner's case in the light of the statement made in paragraph 11 of the counter affidavit.

8. This writ application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

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