

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1028 of 1999

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1. Jai Prakash Narain Srivastava, Son of Late Bansidhar Lal, resident of Village-Jagdishpur, P.O. + P.S.-Jagdishpur, District-Bhojpur.

2. Mithilesh Kumar Tiwary, Son of Late Radhika Prasad Tiwary, resident of Village-Bharukhar, P.O.-Danda Bazar, Via-Puraini, P.S.-Jagdishpur, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.

2. The Secretary, Planning and Development Department, Government of Bihar, Patna.

3. The Director, Directorate of Statistics and Evaluation, Planning and Development Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent No. 1 (State) : Mr. Dhurjati Kumar Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 24-03-2015

The petitioners seek quashing of Memo No. 829 dated 24.04.1997 (Annexure-12) and Memo No. 816 dated 24.04.1997 (Annexure-13) passed by the Director, Directorate of Statistics and Evaluation, Planning Department, Government of Bihar, whereby, their absorption as Accounts Clerk in the Directorate has been

cancelled and they have been sent back to the original post of Accounts Clerk.

There is no representation on behalf of the petitioners. Learned counsel for the State is present.

Annexure-12 is the order passed with respect to petitioner no. 1, whereas, Annexure-13 is the order passed with respect to petitioner no. 2, which are under challenge in the present proceeding. From the pleadings it appears that the petitioners were appointed on the post of Clerk (Accounts) and were posted in the office of Bihar Statistical Officer, Purnia in the year 1974 and 1977, respectively. By office order dated 11.10.1977, the petitioner no. 1 was transferred to the headquarter, where he joined on 11.01.1978. The petitioner no. 2 was transferred to the headquarter on the post of Clerk (Accounts) on 04.07.1991. They continued there for sometime. Thereafter, a decision was taken to absorb them in the Directorate, Accounts Cadre from Muffasil Accounts Cadre on 06.05.1992. The said absorption in the Cadre at Directorate was, however, cancelled immediately, thereafter, by an order dated 21.05.1992. Again the petitioners were adjusted in the Accounts Section of the Directorate on their post vide Memo No. 2484 dated 23.11.1992 (Annexure-7). The petitioner no. 1 was absorbed as Assistant Accountant, whereas, petitioner no. 2

was adjusted as Accounts Clerk at the Directorate level. This is the order which has been cancelled by the impugned orders dated 24.04.1997 (Annexures-12 and 13).

From the pleadings, it is admitted that the petitioners were appointed initially against the posts which belong to District Cadre. They were merely transferred to the Directorate. They could not have been absorbed in a different Cadre. From the impugned orders, it appears that decision to cancel the absorption of these petitioners in the Directorate level cadre has been taken in the light of an order of this Court passed in a case of Ram Babu Singh, bearing C.W.J.C. No. 7435 of 1993, who had questioned absorption of the persons appointed for the District Cadre, in the Cadre at Directorate level. It was in the light of certain orders passed by this Court that respondents decided to cancel the absorption of these petitioners also.

I do not find any infirmity in the orders. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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