

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3785 of 2015

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1. Sri Vinod Kumar Singh, Son of Late Sutikochan Singh, resident of Village & P.O.- Jalur, P.S. Haspura, District- Aurangabad.
 2. Bhuwaneshwar Prasad, son of Late Lalan Prasad Singh, resident of Village & P.O.- Bara Nathu, P.S. Rampur, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Principal Secretary, Rural Development Department, Government of Bihar, Old Secretariat, Patna.
5. The Deputy Secretary to the Government, Rural Development Department, Government of Bihar, Old Secretariat, Patna.
6. The under Secretary to the Government, Rural Development Department, Government of Bihar, Old Secretariat, Patna.
7. The Deputy Secretary to the Government, in the Department of General Administrate, Bihar, Old Secretariat, Patna.
8. The Director, Directorate of Economic and Statistics , Planning and Development Department, Government of Bihar, Old Secretariat, Patna.
9. The Managing Director, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Beer Chand Patel Marg, Patna- 1.
10. The Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22490 of 2014

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1. Chandrashekhar Kumar Singh Son of Late Ram Kripal Singh Resident of Mohalla - Chandpur Bela, P.S.- Jakkanpur, District - Patna
2. Chitranjan Prasad Singh Son of Late Jagdishwar Singh Resident at Kautilya Nagar (A.G. Colony), P.S.- Shastrii Nagar, District -Patna - 23
3. Hriday Narayan Ram Son of Bagodan Ram Resident of Village - Hajipur, P.O.- Hajipur, District - Vaishali
4. Arun Kumar Paswan Son of Late Gambhir Paswan Resident of Village - Thalikhurd, P.O.- Sughari, P.S.- Sughari, District - Nawada
5. Kaushal Kishore Singh Son of Alakh Niranjana Singh Resident of Village + P.O.- Mahagama, P.S.- Chaura, District -Madhepura
6. Rakesh Kumar Son of Ram Bahadur Prasad Resident of Village - Bardiha, P.O.- Nasirganj, P.S.- Nasirganj, District - Rohtas
7. Shyam Mohan Singh Son of Late Mahabir Prasad Singh Resident of Village - Gasganj, P.O.- ARah, P.S.- Ara, District - Bhojpur
8. Ashok Kumar Gupta Son of Late Jai Narayan Chaudhary Resident of Village Katra, P.O.- Hajipur, P.S.- Hajipur, District - Vaishali
9. Hriday Narayan Jha Son of Late Banwari Jha Resident of Village + P.O.- Tatuvar, Via - manigachi, P.S.- Manigachi, District- Darbhanga
10. Anil Kumar Son of Late Mohan Lal Resident of Gandhi Nagar, P.S.- Dehri on

Sone, District - Rohtas
11. Upendra Kumar Son of Late Deep Narayan Singh Resident of New Taracak,
P.S.- Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna
4. The Deputy Secretary to the Government, Rural Development Department, Government of Bihar, Old Secretariat, Patna
5. The Under Secretary to the Government, Rural Development Department, Government of Bihar, Old Secretariat, Patna
6. The Principal Secretary, Labour Resources Department, Government of Bihar, New Secretariat, Patna
7. The Principal Secretary, Co-operative Department, Government of Bihar, New Secretariat, Patna
8. The Director, The Directorate, Statistics and Evaluations, Planning and Development Department, Government of Bihar, Old Secretariat, Patna
9. The Managing Director, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Beer Chand Patel Marg, Patna - 1
10. The Secretary Food and Consumer Protection Department Government of Bihar, Old Secretariat, Patna

.... Respondent/s

Appearance :
(In CWJC No. 3785 of 2015)

For the Petitioner/s : Mr. Krishna Murari, Sr. Advocate
Mr. Sudhir Kumar Upadhyay
For the Respondent/s : Mr. Ashok Choudhary, AAG-13
For the BSFC: Mr. Anjani Kumar, Sr. Advocate
Mr. Shailendra Kumar Singh

(In CWJC No. 22490 of 2014)

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate
Mr. Sanjay Kumar Verma
For the Respondent/s : Mr. Sanjay Prasad
For the BSFC: Mr. Analesh Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 12-08-2015

12.08.2015

Both the writ applications have more or less
raised common questions of law arising out of similar
facts leading to similar kind of relief or prayer, therefore,

were heard together.

The basic dispute is that the General Administration Department, Government of Bihar has handed over services of employees of Rural Development Department to be posted as Assistant Godown Managers under Bihar State Food and Civil Supplies Corporation (hereinafter referred to as "Corporation"). Some of them have also been drawn from the pool of officers working in the Directorate of Statistics and Economics under Planning and Development Department, Government of Bihar and Labour Department.

The common refrain is that the petitioners have been sent to the corporation against their wish which is not a deputation and all this has been done without working out the clear terms and conditions of their deployment and their status. They have also raised serious questions whether such an action could be taken at all in absence of consent of the petitioners or the departments in question. There are certain evidence and averments to show that the Department of Labour has also protested against such deployment since there is shortage of man power even within their department.

Learned senior counsels have made



submission on various facets of law, seeking relief of quashing the order of posting of these petitioners under the Bihar State Food and Civil Supplies Corporation.

The State has justified the decision, looking at the exigencies and the compulsion of effective implementation of the Food Securities Act, which has been invoked and implemented in the State of Bihar.

The essence of the dispute being such that there is clash of interest between various departments. The problem which has been created by the General Administration Department with regard to employees of other government departments to which the petitioners belong unilaterally.

The dispute being such, the Court is not willing to adjudicate the matter, but refer the matter to Chief Secretary, Government of Bihar, Patna that he will convene a meeting of all the Principal Secretaries or Officers of the Departments concerned, whose employees have been deputed to a corporation along with Principal Secretary of the General Administration Department. They will take a policy decision on the issue as to what is required to be done to resolve the inter-departments disputes as has been envisaged not only by the Apex Court but even under the Bihar Litigation



Policy.

Writ applications are disposed off with a direction upon the Chief Secretary that the exercise as directed above must be completed within a period of two months from the date of production / communication of a copy of this Order.



(Ajay Kumar Tripathi, J.)

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