

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6970 of 2014

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Jinish Lal Rai S/O Late Ram Nandan Rai, Resident of Village- Indra-Bara
(Jitwarpur), Police Station- Tajpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar (through the Secretary, Building Construction Department) New Secretariat, Bihar, Patna
2. The Chief Engineer, Building Construction Department, Bihar, Patna
3. The Superintending Engineer, Building Construction Department (Building Construction Division) Darbhanga
4. The Executive Engineer, Building Construction Department (Building Division), Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha

For the Respondent/s : Mr. Amitabh Bhardwaj, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 22.11.2012 (Annexure-10) passed by the respondent Superintending Engineer, whereby claim of the petitioner for his regularisation under the regular establishment of the State Government has been rejected.

It appears that the petitioner was engaged in the work charged establishment. At the flag-end of his service career he raised his claim for regularisation. By order dated 18.10.2011 passed in C.W.J.C. No. 6950 of 2010, the petitioner was directed to represent his claim before the competent authority. Now, in the light of the aforesaid order dated 18.10.2011, the claim of the petitioner was considered and it has been rejected by the impugned order dated 22.11.2012.

In the counter-affidavit filed on behalf of the respondent no. 2 to 4, it has been stated in paragraph-6 that the



petitioner retired from work charged establishment on 15.02.2012 itself. Hence, his claim for regularisation in regular establishment of the State Government has become infructuous.

Learned counsel appearing on behalf of the petitioner has not been able to point out any legal infirmity with respect to the impugned order dated 22.11.2012 (Annexure-10). Since the petitioner has already superannuated from service from work charged establishment on 15.02.2012, no direction can be issued to the respondents for consideration of his claim for regularisation in the regular establishment.

In the result, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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