

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15563 of 2007

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Buchia Devi, widow of late Biltu Das, resident of village-Saptiahi, Ward No. 14, Saharsa, working as Work Charge Chowkidar, Building Division, Saharsa, Public Works Department (Building Division), Government of Bihar, Patna.

.... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Vishwaswaraiya Bhawan, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary, Building Construction Department, North Zone, Vishwaswaraiya Bhawan, Government of Bihar, Patna.
4. The Chief Engineer, Building Construction Department, North Zone, Vishwaswaraiya Bhawan, Government of Bihar, Patna.
5. The Superintending Engineer, Because'' Building Circle, Saharsa.
6. The Executive Engineer, Building Construction Department, Building Division, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey
Mr. Akhilesh Kumar
Mr. Gopal Swaroop Dubey

For the Respondent/s : Mr. (Ga8)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 11-02-2015 Heard learned counsel for the petitioner as well as learned counsel, appearing for the State.

The petitioner has prayed for quashing the letter No. 465 dated 13-04-2007 contained in Annexure-1 to this petition.

The husband of the petitioner was working as Chowkidar in Work Charge Establishment. After sad demise of



petitioner's husband, the petitioner was appointed in place of her husband on compassionate ground as Work Charge Chowkidar vide letter No. 441 dated 27-01-1989 of District Magistrate, Saharsa. The petitioner and several other persons filed CWJC No. 12775 of 2001 for regularization of their services and a coordinate bench of this court vide order dated 04-05-2006 disposed off the above-said CWJC No. 12775 of 2001, directing the State Government as well as concerned authorities to consider the services of petitioners of CWJC No. 12775 of 2001 for regularization within the parameters of decisions, as rendered by Apex Court of this country in the case of State of Karnataka & Ors. Vs Uma Devi & Ors. reported in 2006(3) Supreme 415 and accordingly, the aforesaid CWJC No. 12775 of 2001 was disposed off with the above-said direction.

It appears that after disposal of the above-said CWJC No. 12775 of 2001, the service of the petitioner was not considered for regularization rather she was observed as daily wagers worker in the concerned department.

The stand of the respondents is that the appointment of the petitioner was illegal because there was no provision of compassionate appointment for the employees of Work charge Establishment and after the death of employee of Work charge

Establishment, the post stands demolished, automatically.

In my view, when this court directed the respondents to consider the regularization of services of the petitioner in the light of decision of Apex Court of this country, the concerned authorities had got no option but except to consider for regularization of services of the petitioner in the light of decisions as well as principles, as settled by the Apex Court of this country and, therefore, this writ petition stands allowed and, accordingly, letter No. 465 dated 13-04-2007 as contained at Annexure-1 to this petition stands quashed in respect of the petitioner only and the respondents, particularly, respondent No. 6 shall consider for regularization of service of the petitioner in the light of order dated 04-05-2006 passed in CWJC No. 12775 of 2001 within a month from the date of receipt/production of copy of this order and pass reasoned order.

A.K.V./-

(Hemant Kumar Srivastava, J)

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