

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13561 of 2014

1. Dr. Shamsher Bahadur Singh son of Sri Parmeshwar Singh Resident of M. I.G. 277, Lohianagar, Kankarbagh, Patna - 20

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
3. The Labour Commissioner, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
4. The Under Secretary, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
5. Suresh Kumar Sinha father's name not Known, Labour Commissioner, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
6. Surya Nandan Prasad son of Sri Ram Keshwar Ram resident of village - Tore, Police Station - Saharanpur, District - Patna, At present Posted Inspector of Factories, Bhagalpur Circle, Bhagalpur Headquarter at 23/84 Officers Flat, New Punaichak, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik
For the Respondent/s : Mr. DINBANDHU SINGH

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 22-05-2015

22.05.2015 Heard learned counsel for the parties. The writ application with I.A. are taken up for final disposal.

There is something seriously amiss in the matter of administration in the Department of Labour, Government of Bihar, Patna in the manner in which Annexure-14 has come to be issued.

Admitted position is that the private-respondent, namely Shri Surya Nandan Prasad is only a Factory Inspector, but by virtue of Annexure-14, he has

been asked to officiate as the Chief Factory Inspector over and above the head of his seniors or superiors including the present petitioner, who is in the substantive rank of Deputy Chief Factory Inspector.

The Court is conscious of the fact that the order indicates that it is for administrative reason and as a working arrangement, but even as a working arrangement a rank junior person cannot be placed on the head of his senior, holding a substantive position, because that is neither acceptable nor justifiable as seniority and hierarchy within the organization cannot be given a go by.

It is not to say that the petitioner as a matter of right can be notified as a Chief Factory Inspector, because he happens to be the Deputy Chief, but surely what the respondents have done by passing Annexure-14 is to put a junior at the helm of affairs over and above seniors who are in the department. It is neither in the interest of good governance or atleast not in the interest of good administration.

Annexure-14, therefore, dated 30.01.2014 is quashed. The writ application itself is allowed. The respondents are directed to issue a fresh notification making sure that nobody junior in rank or position than



the present petitioner is notified to officiate as a Chief
Factory Inspector.

Writ application is allowed with observation /
direction as above.

(Ajay Kumar Tripathi, J.)

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