

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1189 of 2001

- =====
1. Sachidanand, son of Sri Shivadani Singh, resident of village and post office and police station – Maranchi, District – Patna.
 2. Satyak, son of Sri Ram Shekhar Singh, resident of village and post office Bikrampur, District- Begusarai.
 3. Nawaneet Nilendu, son of Sri Mahendra Jha resident of village - Chandrawana, post officer – Dulha, police station – Bisphi, District – Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar
2. The Secretary, Department of Labour, Employment and Training, Government of Bihar, Patna.
3. The Director, Social Security, Combined Labour Building, Baily Road, Government of Bihar, Patna
4. The Director, Employment and Training, Government of Bihar, New Secretariat, Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. PUSHKAR NARAIN SHAHI

Mr. Shivadani Singh

Mr. Onkar Nath

For the Respondent/s : Mr. (SC7)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 27-07-2015

This writ application has been filed seeking following reliefs :-

- (i) “For commanding the respondents to forthwith pay the salary of the petitioners from 27.03.1997 till dated in the facts and circumstances of the case fully enumerated herein below.
- (ii) For quashing the office order as contained in Memo No. 688 dated 13.11.2000 issued under the signature of the Secretary,



Department of Labour Employment and Training, Government of Bihar (respondent no.2) whereby and whereunder concerned District Magistrate and other officers have been directed not to take cognizance of the directions issued by the Directorate of Social Security, Government of Bihar in relation to adjustment/appointment/transfer of class- III and Class – IV employees whose services had been taken in the said directorate from the Aniyojan Sanketak Bhatta Scheme of the Directorate of Employment and Training, Government of Bihar and such employees were deputed in different regional offices for carrying out the functions of Social Security schemes run by the Directorate of Social Security, Government of Bihar.

- (iii) For quashing the officer order no. 105 dated 24.01.2000 issued under the signature of the Secretary-cum-commissioner, Department of Labour Employment and Training, Government of Bihar (respondent no. 2) whereby and whereunder the directions given and action taken by the Director, Social Security, Government of Bihar, Patna (respondent no. 3) in absorbing the services of different Class – III and



Class – IV employees in the said Directorate and deputing such employees to work under different social security schemes in regional offices, was declared to be unauthorized and irregular and orders passed by the respondent no. 3 to that effect, were sought to be revoked.

- (iv) For declaring the Government Order No. 1/2000 communicated to different authorities under Memo No. 53 dated 27.03.2000 issued under the signature of respondent no. 3 that in terms of the orders passed by the then Chief Minister, Bihar in File No. Ani-4-4001/97 and for Part I/97/07, the taking over of services of the employees like the petitioners and their deputation to different regional offices is justified, legal and fit to be acted upon”.

It is the claim of the petitioners that they were appointed as Clerk under Aniyojan Sanketak Bhatta Scheme under the Directorate of Employment and Training, Government of Bihar. Since the scheme was not found productive enough, it was decided to terminate the services of these petitioners for their engagement somewhere else. It is their case that their services were transferred to the Directorate of Social Security, Labour Department, Government of Bihar. Many other similarly situated persons were transferred to other

of the State Government Departments, who are getting their salaries whereas the petitioners are not getting the same treatment.

Learned counsel appearing on behalf of the petitioners has filed today a supplementary affidavit in order to bring on record certain recent developments, relating to the redressal of their grievances at the departmental level.

My attention has been drawn by learned counsel for the petitioner to recent communication dated 09.07.2015, issued by the Officer on Special Duty, Social Welfare Department, Government of Bihar addressed to the Director, Social Security and Disability Directorate, Government of Bihar, Patna to demonstrate that steps are being taken at departmental level for redressal of their grievance.

He has submitted that the petitioners expect that their grievances will be redressed soon, at the departmental level.

Without, therefore, going into the merits of the writ application, this writ application is disposed of with an observation that the respondents shall take a final decision expeditiously, preferably within a period of six months from the date of receipt/production of a copy of this order.

It goes without saying that the petitioners shall have liberty to challenge the illegality of any decision taken by

the respondents in this regard, in accordance with law in appropriate proceedings.

This writ application stands disposed of with the observation as above.

There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

Jagdish/-

U			
---	--	--	--