

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13920 of 2007

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Bihar Rajkiya Nalkoop Karmchari Sangh through its General Secretary, Ramesh Prasad Singh, son of Late Bhuneshwar Prasad Singh, resident of village narang Rampur, P.S.- Narang Rampur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Commissioner-cum-Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary, Minor Water Resources Department, Government of Bihar, Patna.
4. The Co-ordinator, Minor Water Resources Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAVINDRA NATH DUBEY
Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. Dev Kumar Pandey, A.C. to G.P. 6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 08-05-2015

The association of erstwhile employees of Bihar Water Development Corporation which stood dissolved vide Government Resolution dated 7.11.1987 (Annexure-1) with cut off date as October, 1985 has filed the present writ petition through Sri Ramesh Prasad Singh for quashing the order dated 24.5.2007 (Annexure-7) issued by the Government of Bihar in Tube Well Division of Minor Irrigation Department explaining the different circulars of the Finance Department which were grossly violated in the case of some of the employees of the erstwhile Corporation.

A counter affidavit has been filed by the respondent. No rejoinder thereto has been filed by the petitioner.

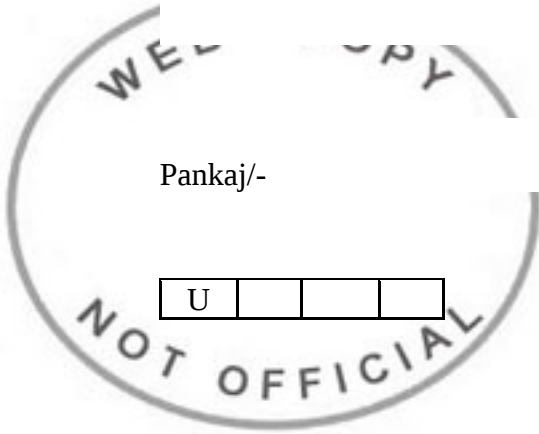


Counsel for the State has drawn attention of the Court to the previous order which was passed on the writ petition filed by the petitioner Sangh raising the similar grievance. The writ application was disposed of observing that it will be open to the Government to find out in respect of individual cases as to whether they are similarly situated as the petitioners in the another writ petition and whether at the time of their transfer to the Corporation, they were regularly appointed employees in the State Government. Be it noted that in sum and substance, the counter affidavit of the State is that several employees of the Corporation were never regularized. If there is any order of regularization, the same was in gross violation of different circulars/instructions of the Finance Department. Counsel for the State has rightly pointed out that in such circumstance, individual employees if aggrieved by the order ought to have approached the Court setting out relevant facts and the acts of discrimination, if any, made in the matter of their regularization. The same has not been done in the present case. Once again the petitioner Sangh, without disclosing the names of the members and the manner in which they have been discriminated, has filed the present writ petition.

On going through the pleadings on record and considering the objection which has been raised by the State, this Court finds that based on the pleadings on record, no relief as prayed

for in the writ petition can be granted.

The writ application is dismissed.



(Kishore Kumar Mandal, J)