

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13251 of 2013

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Sanjay Kumar Yadav @ Sanjay Kumar, S/O Sri Mahendra Yadav R/V- Kathor,
P.O.- Banglwa, P.S. Dharhara, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary to Govt. Water Resources Department, Sinchai Bhawan, Old Secretariat Campus, Patna.
2. The Deputy Secretary to Govt., Water Resources Department, Sinchai Bhawan, Old Secretariat Campus, Patna
3. The Director, Land Acquisition And Rehabilitation, Sinchai Bhawan, Patna
4. The Chief Engineer, Water Resources Department, Bhagalpur
5. The Superintending Engineer, Sinchai Circle, Bhagalpur
6. The Executive Engineer, Ganga Pump Canal Division, Camp, Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Adv.

For the Respondent/s : Mr. Bindo Kumar yadav, S.C.-18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-12-2016

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the state is permitted to make necessary correction in paragraph No.7 of the counter affidavit.

3. In this case, the petitioner is a displaced person as his land was acquired for the project of the Irrigation Department, as has been claimed by the petitioner the Government has framed a Policy for rehabilitation of the displaced persons.



4. The Policy of the State Government set out that 50% of 4th grade post will be filled up by the displaced persons. In pursuance of that policy the petitioner was appointed on daily wages basis and worked at Munger district. The land of the petitioner was acquired for the irrigation project at Palamu district, which is now in the State of Jharkhand and he was appointed as daily wager in the district of Munger. The petitioner had received salary upto 1994 and thereafter neither he has been terminated nor has been paid the salary.

5. Learned counsel for the petitioner submits that vide letter No.4093 dated 21.8.2006, the Government has issued a letter, thereby asked the name of displaced persons and the name of the petitioner was there in the list of displaced persons. But this letter is of the year 2006, after bifurcation of the Bihar State, as per the State it cannot be applicable to a project which is now lying in the State of Jharkhand.

6. In the Counter affidavit, a plea has been taken that the petitioner was a seasonal employee and he was engaged in the scheme of Ganga Pump Canal Division, Surajgarha Camp, Munger. The river has changed its course and on that account project has been closed.



7. In reply, learned counsel for the petitioner has submitted that in the year 2006 the name of the petitioner was sent for rehabilitation. He further submits that the Chief Engineer by letter dated 21.1.2005 directed the Executive engineer to supply the details of the land of the petitioner which has been acquired for the project including his educational qualification, but thereafter neither any tangible steps has been taken by the State nor the petitioner has brought any material.

8. In such view of the matter, the Chief Engineer, Water Resources Department is directed to consider the case of the petitioner with regard to his rehabilitation.

9. With the aforesaid observations and direction, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	09.12.2016
Transmission Date	

