

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3479 of 2013

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Bhaleshwari Devi

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar –Manglam
Ms. Anita kumari

For the Respondent/s : Mr. Md. N. Hoda Khan, S.C.18
Ms. Babita Kumari, J.C. TO S.C.18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 13-01-2016

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

In the present case, the petitioner is challenging the
Office Order No.5675 dated 17.05.2011, by which the claim of the
petitioner that her husband should be brought in regular
establishment has been rejected on the ground that in terms of
Resolution No.6394 dated 23.10.1997, those who were completed
five years of service on and before 21.10.1984 were to be brought
in the regular establishment. As the husband of the petitioner was
appointed on 07.12.1982 and remained in the service only for 1
year 10 months and 14 days so the regularization of service of the
husband of the petitioner was not done.

From the fact, it appears that the husband of the

petitioner has joined the service on 07.12.1982 in the work charge establishment and died in harness on 12.09.2010. An application was filed by the present petitioner for treating her husband in regular establishment that has been rejected as aforesaid.

Learned counsel for the petitioner has drawn the attention to another Resolution No.5074 dated 20th September, 1990, providing that those who have appointed on and before 21st October, 1984 will be considered for regularization in service. Learned counsel for the petitioner further submits that while examining the case of the husband of the petitioner, the respondent-authority has not taken care to apply the Resolution No.5074 dated 20th September 1990, whereby the State Government has modified its earlier Resolution and fixed the another cut off dated for the purposes of regularization of those persons who were performing the duty in work charge establishment.

There is no reply in the Counter Affidavit with regard to this Resolution and much less the order by which the application of the present petitioner has been rejected has not taken notice of the aforesaid Resolution of 1990. In paragraph No.9 of the Counter Affidavit a statement has been made that the case of the

husband of the petitioner is under consideration since 20.11.2007.

In such view of the matter, the respondent-authorities are directed to examine the case of the husband of the petitioner in terms of Resolution No.5074 dated 20th September, 1990, applying the condition mentioned therein and take a decision within a period of three months from the date of receipt / production of a copy of this order. If the respondent-authorities find favour with the petitioner, it goes without saying that the respondent-authorities will pass the order in favour of the petitioner.

With the aforesaid observations and directions, this writ petition stands disposed of.

(Shivaji Pandey, J)

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