

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11021 of 2013

1. Bipin Bihari Verma Son Of Llate Shiv Sahay Verma R/O Village - Simri, P.O. Simri, P.S. Simri, District - Buxar, At Present Residing Sarswati Vihar Colony, Ambedkar Path, P.S. Rupaspur, P.O. V.V. Collage, Distt. - Patna
2. Ram Vilash Yadav Son Of Late Sohraj Prasad R/O Village - Dumrawana, P.S. Asthama, District - Nalanda At Present Residing Bhagwat Nagar Naya Tola P.S. Agamkuan, Distt. - Patna
3. Birendra Prasad Sinha Son Of Sarju Prasad R/O Mayapur, P.O. Barachatti, P.S. Barachatti, District - Gaya, At Present Residing Ram Nagar, Gopal Ji Khatal, P.S. Jakkanpur P.O. G.P.O. Distt. Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Personal And Administrative Reforms Department, Patna Bihar
3. The Commissioner - Cum - Principle Secretary, Commercial Tax Department, Bihar, Patna
4. The Joint Commissioner (Administrative), Patna
5. The Joint Commissioner (Administrative) Central Division Commercial Tax Department, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 21747 of 2013

Braj Kishore Singh, son of Sri Ram Chandra Singh, C/o Ajit Srivastava, Sherpur Kaith Tola, M.I.C. Bela, P.S. Sadar, Dist. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Personal and Administrative Reforms Department, Patna, Bihar.
3. The Commissioner-cum-Principle Secretary, Commercial Tax Department, Bihar, Patna.
4. The Joint Commissioner, (Administrative) Patna.
5. The Joint Commissioner, (Administrative), Tirhut Division, Dist. Muzaffarpur.

.... Respondent/s

Appearance :

(In CWJC No.11021 of 2013)

For the Petitioner/s : None

For the Respondent/s : None

(In CWJC No.21747 of 2013)

For the Petitioner/s : None

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 28-06-2016

No one appears for the petitioners. No one appears for the State.

In both the cases, the petitioners are seeking regularization of their services. The petitioners have entered into service in the year 1980 while discharging duty in the Commercial Department in view of judgment in the case of Secretary, State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1 para-53 by way of one time measure, the cases of the employees employed in the Commercial Department were sent for scrutiny by the Three Men Committee. From the counter affidavit, it appears that the services of 134 employees, who are employed in the Commercial Department, have been regularized. It will be relevant to quote paragraph nos. 5 & 6 of the counter affidavit which reads as follows:-

"5. That at the very outset, it is stated and submitted respectfully that the petitioners were appointed for the period upto 30.9.1980 by the then Commercial Taxes Joint Commissioner (Administration) Patna Division, Patna vide office order No.,492 dated 6.3.1980, without following the due procedure of appointment and thereafter the tenure of their services were extended till further order on the post of clerk vide office order No. 2316 dated 1.10.1980 by the then Commercial Taxes Joint Commissioner (Adm.) Patna Division Patna. As such their appointments were placed under disputed category. But in view of



judgment passed in secretary State of Karnataka vs. Uma Devi (2006) 4 SCC 1 para 53, now the matter of disputed appointment who were made in the year 1979, 1980 and 1981 by the then commercial Taxes Joint Commissioner (Adm.) is presently examined by the Committee of three members constituted under the Chairmanship of Principal Secretary General Administrative Department "under one time measure" as per direction of the Government.

6. *That in the 1st phase, the Inquiry report of 213 employees have been placed before the Committee, In which the services of 108 employees have been considered as Irregular and under "One time measure" to regularize the services of these employees, steps have already been taken and rest 105 employees have alsoi been asked to submit the required documents. Further after receiving the Inquiry Report of 95 employees, the committee has decided to regularize the services of 27 employees under "One Time Measure" and Rest 68 employees have been asked to furnish the required documents.*

Thus the committee of three members constituted under the Chairmanship of Principal Secretary, General Administration Department, Bihar, Patna has finally recommend the name of 134 employees for regularization of their services under one time measure.

The aforesaid inquiry report also included the name of petitioner no.1 Bipin Bihari Verma."

In view of the above, there is no purpose to keep the matter pending.

Both the writ applications are, accordingly, dismissed as

having become infructuous.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.6.2016
Transmission Date	NA