

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13228 of 2013

=====

Chandra Bilas Prasad Yadav Son of Sri Deo Lagan Prasad, resident of Paharpur More, Anishabad, P.S.: Gardanibagh, Town & Distt. Patna and at present posted as Assistant Engineer, Local Area Engineering Organization, Works Division- 1, P.S.: Siwan, Dist. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Works Department, Vishwasaraiya Bhawan, Bailey Road, Patna.
3. The Commissioner & Secretary, Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna.
4. The Finance Commissioner, Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. S.S.P. Yadav, SC-14

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-11-2016

For last two dates, no one is appearing on behalf of the petitioner to press this petition. The counsel for the State is present.

The Court has no other alternative but to dispose of the case on its merit.

In the present case, prayer has been made to regularise the service of the petitioner and pay the salary from the date of his respective joining along with compound interest at the rate of 10% per annum till the date of actual payment.

In the year 2004, on the recommendation of Bihar Public Service Commission, 130 candidates were to be appointed in the category of Bihar Engineering Services (Class-II), on the post of Assistant Engineer (Civil) in the pay scale of Rs. 6500-10500. The list was sent to



the Road Construction Department, which was working as a Nodal Department.

As the petitioner was selected, he gave his joining in the Department of Road Construction, Government of Bihar on 04.08.2004. As has been claimed by the petitioner that he was kept waiting for posting in the Road Construction Department and as no work was assigned to him till 30th September 2004, on 30th September 2004, a Notification was issued posting the candidates in Building Construction Department and Rural Engineering Organisation. Thereafter, the Rural Works Department issued another Notification dated 30.11.2004, thereby the petitioner was posted as Estimating Officer-cum-Assistant Engineer, Rural Engineering Organisation, Works Division-Hajipur, Vaishali and there the petitioner gave his joining on 04.12.2004 and on that day, he took over the charge and thereafter, he has started getting the salary. Although the petitioner filed several representations to the different authorities for payment of his salary for the period he was kept waiting for posting and from the date of his joining, but it turned to futile.

It has been claimed by the petitioner that Rakesh Kumar Singh and others, who are similarly situated persons, moved before this Court in C.W.J.C. No. 237 of 2001 there the Court directed for payment of salary for the entire period along with compound interest @ 10% per annum.

In the present case, the identical relief has been sought.

In such view of the matter, the authority is directed to



consider the case of the petitioner and as it appears, the case of the petitioner is identical to the case of Rakesh Kumar Singh and others, the petitioner should also be given the same relief as has been given to the petitioners of C.W.J.C. No. 237 of 2001.

Accordingly, this Court directs to consider the case of the petitioner, if both cases are identical, pass the order of regularisation in service and pay him salary from the date of his respective joining along with compound interest at the rate of 10% per annum, if already not paid. This calculation will be made from the date the petitioner is entitled to the salary till the date of actual payment.

As the counsel for the petitioner is not appearing, this Court is not awarding the cost upon the State.

With the above observation/direction, this petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04/12/2016
Transmission Date	

