

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22539 of 2014

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1. Sanjeev Kumar son of-Late Brij Kishore Prasad R/o Village-Chargaha, P.O.-Bel Bagh Bettiah, P.S.-Muffasil Bettiah, West Champaran.
 2. Raman Kumar son of Late Jagarnath Prasad, Resident of-Lal Bazar Nonia Toli Ward No.33 Bettiah P.O.+P.S.-Bettiah, West Champaran.
 3. Yuvraj Bahadur Singh son of Late Kharag Bahadur Singh, Resident of-Officer Colony Bettiah, Near Agriculture Office, West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Joint Secretary-cum-Director, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Deputy Secretary-cum-Director, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The District Magistrate-cum-Collector, West Champaran, Bettiah.
5. The Sub-Divisional Officer Bettiah Sadar, Bettiah, West Champaran.
6. The Nagar Parishad, Bettiah through its Chairman Bettiah, West Champaran.
7. The Executive Officer Nagar Parishad, Bettiah, West Champaran.
8. The Members of Cabinet of Municipal Board, Nagar Parishad Bettiah, West Champaran.
9. The City Manager, Bettiah Municipality, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra
Mr. Radha Mohan Pathak
For the Respondent State: Mr. GP27- PURNENDU SINGH
Mrs. Sunita Kumari, AC to GP 27
For the Nagar Parishad : Mr. Subodh Kumart Jha
Mr. Dhananjay Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 31-03-2016

Learned counsel representing the Nagar Parishad, Bettiah categorically states that the engagement of the petitioners on contract subsists and they are being paid their remuneration accordingly. So far as the decision taken by the Empowered Committee is concerned,

such a decision was taken in light of the illegality and irregularity found during the course of enquiry with regard to the decision of the Chairman to regularize the services of these petitioners without following any procedure and requirements with regard to such regularization.

However, statement is made at the bar that as and when the issue of regularization is taken up, due procedure will be followed and claim of the petitioners will be taken into consideration.

The Court has gone through the material and the decision so taken for regularization of these petitioners. Obviously, the said decision did not stand the scrutiny and did not satisfy the requirement for such regularization in absence of any uniform decision with regard to the modality adopted for such regularization.

Those infirmities are glaring enough and therefore, the Empowered Committee rightly took a decision to take away the benefit of regularization in the controversial circumstance.

Writ application, therefore, is dismissed in view of what has been stated above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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