

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9358 of 2013

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Sri Purshottam Prasad Singh S/O Late Triguna Nand Singh Compilation Clerk In
The Office Of Building Construction Department, Patna City Building Division,
Shashtri Nagar, Patna-800023, R/O Village- Goriya Kothi, P.O. And P.S.- Goriya
Kothi, Distt.- Saran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner-Cum-Secretary Building
Construction Department, Government Of Bihar, Patna
2. The Commissioner-Cum-Secretary Building Construction Department,
Government Of Bihar, Patna
3. The Engineer-In-Chief - Cum - Additional Commissioner Building
Construction Department, Government Of Bihar, Patna
4. The Chief Engineer Building Construction Department, Government Of Bihar,
Patna
5. The Superintending Engineering Patna Circle, Patna Building Construction
Department, Government Of Bihar, Patna
6. The Executive Engineer Building Construction Department, Patna City
Building Division, Shashtri Nagar, Patna-800023

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.P. Bhartee, Adv.
Mr. Shailendra Kumar Bhartee, Adv.
For the Respondent/s : Mr. Prabhakar Jha, GP-27
Mr. Umesh Narayan Dubey, AC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 02-08-2016

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

A prayer has been made by the petitioner that he has been
discharging the duty in Nalanda Medical College and Hospital since
1984 onwards and, for certain periods, he discharged the duties as a
daily wager. After taking over of the college by the Government, the

petitioner has been discharging the duty in the Work Charge Establishment.

Learned counsel for the petitioner has filed supplementary affidavit to bring on record that certain persons, who were working with the petitioner in the Work Charge Establishment, have been brought to the regular establishment, leaving behind the petitioner of the benefit of regularization. In paragraph no.3 of the supplementary affidavit, learned counsel for the petitioner has taken name of one Ali Ahmad who has been absorbed in the regular establishment. In paragraph no.4, he has taken the names of Sri Ramoutar Ram, Sri Sukudeo Yadav, Sri Nantun Yadav and Sri Birdeshwar Yadav who have also been regularized in permanent establishment and the same benefit should also be extended to the petitioner.

In view of the statement made in the supplementary affidavit, let the Commissioner-cum-Secretary, Building Construction Department, Government of Bihar, Patna as well as Engineer-in-Chief, cum Additional Commission, Building Construction Department, Government of Bihar, Patna should consider the case of the petitioner taking into consideration that other similarly situated persons, who were discharging the duty in the Work Charge Establishment, have been brought in the regular establishment.

For convenience, the petitioner is directed to file a detailed representation before the aforesaid two authorities annexing necessary documents along with a copy of this order who will be obliged to take a decision in accordance with law within a period of three months from the date of filing of a representation.

It goes without saying that if the aforesaid two authorities find that the petitioner is entitled to the benefit, the petitioner will be also entitled for the consequential benefit.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.8.2016
Transmission Date	NA