

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15861 of 2013

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Harihar Ram Son of Late Majari Ram, resident of village- Sakash, P.O.- Sikaria,
P.S.- Sasaram, (Danigaon O.P.), Distt- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Bihar, Patna
2. The Secretary, Minor Water Resources Department, Bihar, Patna
3. The Joint Secretary, Minor Water Resources Department, Bihar, Patna
4. The Deputy Secretary, Minor Water Resources Department, Bihar, Patna
5. The Chief Engineer, Minor Water Resources Department, Patna
6. The Executive Engineer, Minor Irrigation Division, Bhabhua, Distt.- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Rajani Kant Singh and Sudama Singh, Advs.

For the Respondent/s : Mr. Nawal Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-12-2016

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

In this case, the petitioner is seeking his regularisation as well as his entitlement to the pension and the gratuity. The petitioner was appointed as daily wages employee and was disengaged on reaching the age of superannuation i.e. on reaching the age of 60 years, but was never regularised in the service.

The petitioner approached this Court in C.W.J.C. No.9018 of 2010, which was remanded back and the Secretary, Minor Irrigation Department, vide Memo No. 3920 dated 26.07.2012,



rejected the claim of the petitioner of his regularisation holding that he does not satisfy the condition that has been laid down in the Secretary, State of Karnataka and others vs. Umadevi (3) and others), (2006) 4 SCC 1 and refused to regularise the service of the petitioner. The fact is that he has already superannuated from service. The regularisation is an act of prospectivity, it cannot be given in retrospective manner.

As the petitioner has already superannuated from service, the question of his regularisation in service does not arise. Whatever the nature of dues either in the nature of G.P.F. or arrear of salary in favour of the petitioner, that must be paid to him within two months from the date of receipt/production of a copy of this order.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.12.2016
Transmission Date	

