

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.404 of 2013

- =====
1. Vajir Miyan S/O Israil Miyan R/O Village- Pipra Khas P.S.- Mirganj, Distt.- Gopalganj presently posted as Nalkup Khalashi Operator under P.H. Division, Gopalganj
 2. Md. Rahman S/O Late Md. Idan R/O Village- Pokhara P.S.- Maharajganj, Distt.- Siwan, presently posted as Nalkup Khalashi Operator under P.H. Division, Gopalganj
 3. Sheopujan Mahto S/O Late Mithu Mahto R/O Village- Usari Bazar, P.S.- Baikunthpur, Distt.- Gopalganj presently posted as Nalkup Khalashi Operator under P.H. Division, Gopalganj
 4. Kameshwar Prasad S/O Sri Suraj Singh R/O- Baikunthpur, P.S.- Baikunthpur, Distt.- Gopalganj presently posted as Nalkup Khalashi under P.H. Division, Gopalganj
- Petitioner/s

Versus

1. The State of Bihar
 2. The Engineer-In-Chief, Public Health Engineering Department Govt. of Bihar, Patna
 3. The Chief Engineer, P.H.E.D., New Secretariat, Govt. of Bihar, Patna
 4. The Superintending Engineer, P.H. Circle, Gopalganj
 5. The Executive Engineer, P.H. Division, Gopalganj
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Kumar Veerendra Narayan, Adv.
For the Respondent/s : Mr. Ajay, G.A.5

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date: 04-08-2016

Heard Mr. Kumar Veerendra Narayan, learned counsel for the petitioners and Mr. Ajay learned G.A.5 for the State.

The petitioners while questioning the order dated 2.9.2002 passed by the Commissioner-cum-Secretary, Public Health Department, Government of Bihar impugned at Annexure-4 series have prayed for a direction to the respondents for absorption with effect from 1.6.2002 and for payment of salary in the regular pay band.

Mr. Narayan while making such submission admits that the petitioners have been absorbed vide order bearing Memo No. 757 dated 20.6.2014 with effect from the date of issuance of the order.

The petitioners had earlier come before this Court along with some others in C.W.J.C.No.6542 of 2002 seeking absorption while questioning the order of reversion in question dated 2.9.2002 and which writ petition was heard along with batch of other writ petitions and disposed of by a Division Bench of this Court vide judgment and order passed on 13.7.2006, a copy of which is present at Annexure-5. The Division Bench in consideration of the prayer made by the writ petitioners in the batch of writ petitions, directed the Government of Bihar to constitute a committee of three high officials to consider the case of their absorption in the light of the judgment of the Apex Court passed in the case of **Uma Devi** since reported in **(2006) 4 SCC 1**. Perhaps since no positive order was passed that the present writ petition was filed. A counter affidavit has been filed in which it is stated that a process of absorption was undertaken by the Government in compliance of the order of this Court but the petitioner did not fall within the limit of vacancies.

Be that as it may, considering that the order of absorption has now been passed in favour of the petitioners vide order bearing no. 23 dated 20.6.2014, the present writ petition has been rendered infructuous and is disposed of accordingly.

Let a copy of the absorption order dated 20.6.2014 be maintained in the records of the proceedings

Bibhash/-

(Jyoti Saran, J)

NAFR	
CAV DATE	
Uploading Date	9-08-16
Transmission Date	