

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15359 of 2014

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1. Sajlendu Shekhar S/o Late Kapildeo Singh, Resident of Village Karya Nand Nagar, P.S. & District Lakhisarai.
 2. Rashmi Nandan Sharma, d/o Late Kapildeo Singh, wife of Anil Kumar Sharma at Bahapur, P.S. Khusrupur, District Patna.
 3. Kashmi Nandan Sharma, d/o Late Kapildeo Singh, wife of Shyam Kumar Sharma at Ramjaypal Nagar, Gola Road, P.S. Rupaspur, District- Patna.

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Minor Irrigation, New Secretariat, Patna.
2. The Chief Engineer, Department of Tube Well Department, Govt. of Bihar, Patna.
3. The Executive Engineer, Department of Minor Irrigation (Tube Well) Division Bihta, Govt. of Bihar, Patna.
4. The Coordinator State Tube Well Department, Govt. of Bihar, Patna.
5. The Chief Engineer Minor Irrigation Department, Bhagalpur, District Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Pd. Singh (Sanjay), Advocate
Mr. Bipin Kumar, Advocate

For the Respondent/s : Mr. Ajoy Kumar Singh, AC to SC-2

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the petitioners and the respondents.

2. The petitioners are son and daughters of late Kapildeo Singh (original petitioner), who was engaged as Work Charge Overseer in the Minor Irrigation Division, Munger vide Memo No. 750 dated 05.05.1972. The father of the petitioners was subsequently confirmed as Junior Engineer and thereafter he was transferred from time to time. He finally retired on 30.11.2008 from

Tube Well Division, Patna (West), Bihta.

3. After retirement, the father of the petitioners filed writ application for retiral dues bearing C.W.J.C. No. 7995 of 2013, which was disposed of on 02.12.2013 in the following terms:

“Let the petitioner appear before the Secretary, Minor Water Resources Department, Government of Bihar, Patna within one week from today with a show cause and complete set of documents relating to his appointment or engagement which shall be enquired and investigated into and a decision will be taken thereon by him. Subject to the outcome of the decision, as above, consequential benefit may flow or the authority would be free to take legal action against the petitioner, if situation so turned up after due enquiry.”

4. Pursuant to the order of this Court, the Secretary-cum-Commissioner, Minor Water Resources Department after providing a hearing dismissed the case for retiral benefits on the ground that he was not engaged / appointed in accordance with law. Furthermore, his service book was not opened at any time and no document was produced before him.

5. The petitioners submit that in fact their father had produced a number of documents before respondent no.1, which was

not taken into consideration.

6. Without disturbing the impugned order, one more opportunity is granted to the petitioners to produce the documents in support of their contentions that appointment of their father was legal and valid.

7. In case, any such representation is filed, the same would be disposed of preferably within a period of three months from the date of receipt of a copy of this order. The earlier order passed by respondent no.1 would be subject to the subsequent order that may be passed pursuant to remand of the matter.

8. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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