

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.51 of 2015

=====

Rabindra Singh , son of Ramjit Singh resident of village Mehiya P.O.
Gurukul, Police Station Chapra Mufassil, District Saran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Bihar, Patna
2. The Principal Secretary, General Administration, Govt. of Bihar, Old Secretariat, Bihar, Patna
3. The Principal Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Bihar, Patna
4. The Principal Secretary Road Construction Department, Bisheshwaria Bhawan, Patna
5. The Deputy Secretary, Road Construction Department, Bihar, Patna
6. The Executive Engineer, Chapra Road Division, Chapra at Saran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Singh

For the Respondent/s : AC to SC – 6

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-01-2017 Heard Sri Devendra Kumar Singh , learned counsel for the petitioner and learned AC to SC No. 6.

The sole petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India with a prayer for issuance of writ of mandamus directing the respondents to regularize his services on the post of Chainman in the Road Division, Chapra in view of Circular No. 10710 dated 17.10.2013 issued by the Additional Secretary, Department of Finance, Government of Bihar.

A plea has been taken that by Circular No. 10710 dated 17.10.2013 the cut -off date has been extended from 1987 to



1990. It was submitted by learned counsel for the petitioner that petitioner was employed as Chainman in the year 1983 and he continued to discharge his duty . However, subsequently from the year 1999 the authority concerned stopped to make payment and subsequently he was stopped from discharging duty. In paragraph no. 16 of the writ petition it has been categorically stated that the petitioner earlier filed a writ petition vide C.W.J.C. No. 2375 of 2000 after being stopped from working, which was dismissed. Subsequently , he filed Appeal vide L.P.A. No. 409 of 2008 which too was dismissed. However , after dismissal of the writ petition, in the year 2013 the Finance Department has come out with a decision to extend the cut- off date till 1990. According to learned counsel for the petitioner in view of issuance of new Circular petitioner was entitled to be regularized in service. Learned counsel for the petitioner has placed heavy reliance on an order passed by a Bench of this Court in C.W.J.C. No. 17447 of 2013 which was allowed on 23.4.2014. He submits that since the cut -off date was extended in identical case, this Court had allowed the writ petition. However on perusal of the order dated 23.4.2014 it is evident that the petitioner of the said writ petition Sri Yugeshwar Singh was appointed in the work charge establishment on 10.6.1988. In the year 1990 his service book



was opened and he was paid remuneration till the month of September 2010. Suddenly he was removed whereas the facts disclosed in the present petition makes it clear that petitioner's case has got no relevance with the said case i.e. C.W.J.C. No. 17447 of 2013 . Moreover , it is admitted fact that after the year 1999 the petitioner has not worked and presently he is not functioning. If a person is not functioning there is no question for making a prayer for regularization of service. Moreover, the action taken by the State by way of refusing to take work from the petitioner was assailed by the petitioner in the writ petition, which was dismissed and affirmed by the Appellate Court.

In view of the facts and circumstances, there is no reason to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--

