

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5698 of 2011

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Raghunath Sahani, son of Sube Sahani, resident of Village- Dath, P.S. Biraul,
District- Darbhanga

... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
2. The Engineer-in-Chief, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
3. The Chief Engineer, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
4. The Superintending Engineer, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
5. The Executive Engineer Public Health & Engineering Department, Bishwesraiya Bhawan, Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5796 of 2011

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1. Vijay Kant Singh, son of Mahendra Singh, resident of Village- Thengha Motnajak, P.S. Sakatpur, Manigahi, District- Darbhanga.
2. Sharda Nand Mishra, son of Radha Kant Mishra, resident of Village- Deoram, P.S. Bahera, District- Darbhanga.
3. Janki Sharan, son of Ram Chandra Prasad, resident of village- Bahera, P.S. Bahera, District- Darbhanga.
4. Amrendra Nath Jha @ Amrendra Narayan Jha, son of Chandra Narayan Jha, resident of village- Haripur, P.S. Bahera, District- Darbhanga.
5. Rameshwar Gareri, son of Mathura Gareri, resident of village- Bahera, P.S. Bahera, District- Darbhanga.
6. Madan Kumar Choudhary, son of late Shashi Kant Choudhary, resident of village- Habibhour, P.S. Bahera, District- Darbhanga.
7. Hare Krishna Jha, son of Babu Narayan Jha, resident of village- Nawadah, P.S. Bahera, District- Darbhanga.
8. Laxman Mukhiya son of Sunder Mukhiya, resident of village- Andauli, P.S. Alinagar, District- Darbhanga.
9. Ganesh Ram, son of Batohi Ram, resident of village- Dharaaura, P.S. Bahera, District- Darbhanga.
10. Sanjay Kumar Singh, son of Badri Prasad Singh, resident of village- Panchgachhia, P.S. Panchgachhia, District- Supaul.

.... Petitioners

Versus



- 1. The State of Bihar through the Principal Secretary, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
- 2. The Engineer-in-Chief cum Special Secretary, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
- 3. The Chief Engineer, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
- 4. The Superintending Engineer, Public Health & Engineering Department, Bishwesraiya Bhawan, Patna
- 5. The Executive Engineer Public Health & Engineering Department, Bishwesraiya Bhawan, Patna

.... Respondents

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Appearance :

(In CWJC No.5698 of 2011)

- For the Petitioner : Mr. Gajendra Kumar Jha
Mr. Bam Bahadur Jha
Mr. Abhay Kumar Jha, Advocates.
 - For the Respondents : Mr. Ashok Kumar Dubey, AC to AAG-11
- (In CWJC No.5796 of 2011)
- For the Petitioners : Mr. Gajendra Kumar Jha
Mr. Bam Bahadur Jha
Mr. Sushil Kumar Jha,
Mr. Abhay Kumar Jha, Advocates.
 - For the Respondents : Mr. Kaushal Kumar Jha, AAG-8
- =====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-07-2017

Both these writ petitions have been filed with a common prayer for a direction to the respondents to count the services of the petitioners rendered with the respondents under work charge establishment for all practical purposes, including pay protection, pay scale, promotion in accordance with the seniority of the petitioners and extend them all consequential benefits from the date of their absorption in work charge establishment i.e. 05.02.1988, including the benefits of G.P.F., which has illegally been denied, even though the



services of the petitioners have been regularized vide order dated 30.11.2006.

2. At the very outset, learned counsel for the petitioners submits that the case of the petitioners stands covered by a decision of this Court in *C.W.J.C. No. 7178 of 2010, Ram Krishna Tanti vs. The State of Bihar and Ors.*, which was a matter relating to a similarly situated person. The appeal preferred by the State in LPA No. 409 of 2012 along with other analogous cases stood dismissed. It is therefore submitted that the petitioners are entitled to relief as granted in the case of *Ram Krishna Tanti* in the aforesaid decision.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the submission of the petitioners and with consent of the parties, the writ petitions are being disposed of granting liberty to the petitioners to approach the Engineer-in-Chief, Public Health and Engineering Department, Patna (respondent no. 2) with a fresh representation for appropriate redressal of their grievances. If any such representation is filed within a period of three weeks from today, the same shall be considered and disposed of, having regard to the decision of this Court as referred to above, after granting opportunity of hearing to the petitioners in accordance with law. The matter shall be disposed of expeditiously and in any event



within a period of eights weeks from the date of receipt/production of
a copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.07.2017
Transmission Date	N.A.

