

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6242 of 2011

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1. Ashwani Kumar Jha son of Surya Kant Jha, resident of village Kabilpur, P.S. Pataur, District Darbhanga.
2. Sobha Kant Mishra son of Vishambher Mishra, resident of village Pataur, P.S. Patepur, District Darbhanga
3. Kusheshwar Paswan son of Shiv Lal Paswan, resident of village Ramnagar, P.S. Bahadurpur, District Darbhanga.
4. Binay Kumar Arya, son of Harilal Arya, resident of village Lakarkola, P.S. Darhara, District Munger.
5. Ranjit Kumar son of Ram Swarup Singh resident of village Belpur Saratha, P.S. Chandi, District Nalanda.
6. Sheo Ram Prasad son of Paremshwar Narayan Singh, resident of village Madhopur garh, P.S. Chandi, District Nalanda.
7. Chandra Nath Tiwary @ Chandrakant Tiwary son of Uma Kant Tiwary, resident of Bhakhari, P.S. Roop Nagar, District Saharsa.
8. Jay Shankar Choudhary, son of Ram Sevak Choudhary, resident of village Bashsa Makhanpur P.S. Ashok Paper Mills, District Darbhanga.
9. Chandra Shekhar Mandal, son of Newat Mandal resident of village Gorriyari, P.S. Bishanpur, District Darbhanga.
10. Yogendra Paswan, son of Anup Paswan resident of village Ramnagar, P.S. Bahadurpur, District Darbhanga.
11. Inder Paswan son of late Ram Swarup Paswan resident of village Ramnagar, P.S. Bahadurpur, District Darbhanga
12. Raj Kumar Paswan son of Shiv Lal Paswan resident of village Ramnagar, P.S. Bahadurpur, District Darbhanga
13. Ashok Kumar Sinha son of Naresh Chandra Sinha resident of village Narhatiya P.S. Gulazarbagh, District Patna

.... 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 Circle, Darbhanga
5. The Executive Engineer, Public Health & Engineering Division, Darbhanga

.... Respondents

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Appearance :

For the Petitioners	: Mr. Gajendra Kumar Jha, Mr. Surya Kant Mishra, Mr. Bam Bahadur Jha, Advocates
For the State	: Mr. Indradeo Prasad, SC 27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-07-2017



As prayed, learned counsel for the petitioners is permitted to make necessary corrections in the serial numbers of the respondents in the array of the parties as “serial nos. 1 to 5” in place of “serial nos. 6 to 10” in course of the day.

2. Heard learned counsel for the petitioners and learned counsel for the respondents.

3. The present writ petition has 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.

4. 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.

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

6. Having regard to the submission of the petitioners and with consent of the parties, the writ petition is being disposed of granting liberty to the petitioners to approach the Engineer-in-Chief cum Special Secretary, Public Health and Engineering Department, Bishwesraiya Bhawan, 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 eight weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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