

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.707 of 2015

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Devendra Kumar Sinha Son of Late Sadhu Sharan Sinha resident of Village
Gharma, P.O. Gharma, P.S. District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Chief Engineer, Bihar Public Health Engineering Department Govt. of Bihar, Patna
3. The Engineer in Chief, Bihar Public Health Engineering Department, Govt. of Bihar, Patna
4. The Chief Engineer (Rural) Public Health Engineering Department Govt. of Bihar, Patna (Bailey Road, Patna)
5. The Special Secretary cum Principal Secretary Public Health Engineering Department, Bailey Road, Patna
6. The Superintending Engineer (Mechanical) Circle Patna Veterinary Public Health Engineering Department, Patna
7. The Executive Engineer Public Health Engineering Department Mechanical Division Patna West Patna (Veterinary)
8. Bihar Works Division, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1

For the Respondent/s : Mr. Anirban Kundu SC - 24

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 27-01-2017

Heard Sri Binoy Kumar Sinha, learned counsel for the
petitioner and Sri Anirban Kundu, learned SC No. 24.

The petitioner, in the present writ petition filed under
Article 226 of the Constitution of India , has made a prayer for
directing the respondents to make payment of salary since 1988
onwards and regularize him with all facilities.

On going through the record it is evident that earlier



petitioner had filed a writ petition in the year 2000 itself for his regularization. The said writ petition i.e. C.W.J.C. No. 281 of 2000 was finally disposed of on 24.1.2005 with direction to the respondents particularly the respondent no. 2 and 3 to decide the claim of the petitioner within a specified time. Since the order of the writ court was not earlier complied with, the petitioner filed a contempt petition vide M.J.C. No. 2831 of 2013. In the contempt proceeding a show- cause was filed on behalf of the opposite party no. 7 and 8/ Executive Engineer , P.H.E.D. and Executive Engineer , Bihar State Water Board Division respectively. In the show cause it was indicated that despite order of the writ court for two years no representation was filed. However, after filing of the representation the case was considered and a reasoned order was passed. The said reasoned order was brought on record vide Annexure – ‘A’ to the show -cause in the contempt proceeding. The contempt petition vide order dated 14.7.2014 was disposed of in view of the fact that speaking order vide Annexure –‘A’ to the show- cause was already passed. It was observed that if the petitioner feels aggrieved with the order of the Chief Engineer kept at Annexure – ‘A’ , he would be at liberty to avail appropriate remedy. Even though the order was passed and brought on record in the contempt proceeding, in the present writ petition the petitioner has not made any prayer against the



said order whereas, in the present petition a counter affidavit has been filed on behalf of the respondent no. 2 and 6. Sri Kundu , learned State Counsel by way of referring to the statement made in paragraph no. 12 of the counter affidavit submits that it is true that petitioner was earlier posted on the post of Chargeman cum Work Sarkar on daily wages for particular work on purely temporary basis by the Executive Engineer, Public Health Division, Munghyr however due to unavailability of regular vacancy he was retrenched from 30.11.1979. It has further been indicted that there is no record to show that petitioner had worked from 30.11.1979 to 1.8.1985. The court is of the opinion that once in compliance with the order of the writ court in which regularization was sought for, a reasoned order was passed by the competent authority and subsequently contempt proceeding was also dropped granting liberty to the petitioner to assail the said order, in absence of assailing the said order second writ petition for almost the same relief may not be entertained. I do not find any ground to pass favorable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28-01-2017
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