

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13119 of 2008

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Mala Devi, wife of Late Jaleshwar Parbhat, resident of village- Sonwalia,
P.O. Rajapatty Kothi, P.S. Baikunthpur, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Secretary-cum- Commissioner, P.H.E.D.,
Sichai Bhawan, Patna
2. Engineer-in-Chief, P.H.E.D., Sichai Bhawan, Patna
3. The Chief Engineer (Mechanical), P.H.E.D., Sichai Bhawan, Patna
4. The Supdt. Engineer, P.H.E.D., Chapra Circle, Chapra
5. The Executive Engineer, P.H.E.D., Chapra, Saran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr.Alok Kumar Sinha
Mr. /Mrs.Raj Rashmi Sinha

For the Respondent/s : Mr. AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 15-03-2017 Heard Sri (Dr.) Alok Kumar Sinha, learned counsel
for the petitioner and learned AC to AAG-4.

The present writ petition was filed earlier by original writ petitioner, namely, Jaleshwar Parbhat, who during pendency of the writ petition, has left for heavenly abode and, as such, on petition for substituting his legal heir i.e. I.A. No. 7549 of 2015, widow of the deceased, namely, Mala Devi was substituted as petitioner after expunging the name of original petitioner.

In the writ petition, a prayer was made for directing the Respondents to absorb him on the post of Electrician instead of Pump Operator. It was pleaded in the writ petition that initially the



petitioner was working on Muster Roll and, thereafter, he was taken on Work Charge Establishment as Electrician and he continued as Electrician. However, subsequently, in the year 2002, the Government came out with a decision to revert the petitioner and other similarly situated persons from the Work Charge Establishment to the Daily Wager. According to learned counsel for the petitioner, the petitioner was reverted from the Work Charge Establishment as Muster Roll on daily wages basis. It was argued by learned counsel for the petitioner that since the petitioner had regularly discharged his duty on Work Charge Establishment as Electrician, there was no reason to revert from the Electrician in the Work Charge Establishment to the Muster Roll as daily wager. However, subsequently, several writ petitions were filed before this Court assailing the order of reversion as well as retrenchment. The writ court disposed of number of writ petitions directing to constitute a three-man committee. However, during the intervening period, the State Government came out with a decision to absorb the employees, who were reverted in the work charge establishment vide Annexure-8 to the writ petition i.e. the order contained in Memo No.102/06-1134 dated 28.11.2006 and subsequently vide office order no.131 dated 30.11.2006, the petitioner's name was incorporated in the list of



Pump Operator in the pay Scale of Rs.2650 to 4000/-. The name of the petitioner was mentioned at Serial no.9 of the list.

Of course, in the writ petition, the petitioner has not assailed Annexure-9 to the writ petition i.e. order No.131 dated 30.11.2006, but a submission has been made by learned counsel for the petitioner that against inclusion of the name of the petitioner as Pump Operator instead of Electrician, the petitioner has filed a detailed representation before the Commissioner-cum-Secretary, Public Health Engineering Department, Govt. of Bihar, but on his representation no decision has been taken. He submits that of course, in the counter affidavit, the relief sought for in the writ petition has been opposed, but nothing has been indicated regarding result of his representation. In sum and substance, a submission is being made by learned counsel for the petitioner for disposal of the present writ petition with observation to take decision on the representation of the petitioner i.e. Annexure-10 to the writ petition.

In view of submission made by learned counsel for the petitioner, there is no reason to keep the matter pending. The writ petition stands disposed of with observation that the Respondent State may take appropriate decision on the representation i.e. Annexure-10 to the writ petition and pass



appropriate order in accordance with law preferably within a period of three months from the date of receipt/production of a copy of this order .

It is made clear that this Court has not recorded any opinion on the merit of the case.

(Rakesh Kumar, J)

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