

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17190 of 2013

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Parmanand Mandal S/O Late Bhuvneshwar Mandal Resident Of Village- Hanswar
(Choti), P.O- Nawabganj, P.S- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Water Resources, Govt. Of Bihar, Patna.
3. The Director, Revenue Administration, Water Resources Department, Govt. Of Bihar, Patna.
4. The Deputy Secretary, Water Resources Department, Govt. Of Bihar, Patna.
5. The Deputy Collector, Revnew Division, Kosi, Project, Saharsa.
6. The Executive Engineer, Tirhut Canal Division, Saraiya, Department Of Water Resources, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kr. Jha, Adv.
Mr. Dharamveer, Adv.

For the Respondent/s : Mr. Dharendra Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-12-2017

Head leaned counsel for the petitioner and counsel for
the State.

A limited issue has been raised by the petitioner that
in his place one impersonating him in his name as Parmanand Mandal
son of Late Rajdeo Mandal, Resident of Village Bhimpur, P.S.
Chhatapur, Dist. Supaul has joined the post.

The undisputed question has been raised by the Union
of workmen with respect to illegal retrenchment of 139 workmen, the
same was referred to the Labour Court, Purnea, was registered as



Reference Case No. 3 of 1994. After detailed discussion, award has been passed in favour of the workmen and it has been informed to this Court that it has been affirmed up to the Hon'ble Apex Court but, it is not the end of the matter. The dispute arose with regard to identity of the Parmanand Mandal as the petitioner is claiming that it is he Parmanand Mandal who was the workman of Irrigation Department, was retrenched illegally and he should have been allowed to join the post but, in contra, another Parmanand Mandal has joined claiming to be the real person suffered the act of retrenchment by the office of the Irrigation Department.

It is a case of impersonation and identity crisis, this Court cannot examine this issue as to who is the real Parmanand Mandal, can only be verified by the competent authority by examining the document produced by both the parties and will arrive to a final conclusion with regard to the real Parmanand Mandal.

Let the petitioner should file representation before the Chief Engineer, Tirhut Canal Division, Irrigation Department who will call both Parmanand Mandal would verify the records, will declare identity of real Parmanand Mandal, whosoever feels aggrieved, will be at liberty to approach civil court for challenging the order of the Chief Engineer before the competent civil court.

If a representation is filed, the entire exercise has to



be completed within a period of six months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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