

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17774 of 2008

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Amlesh Pandey, S/o Late Bikrama Pandey, Resident of Village- Sabalpur, P.O. Bgura, P.S. Barhara, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Department of Water Resources, Government of Bihar, Patna
3. The Engineer-in-Chief (North), Department of Water Resources, Government of Bihar, Patna
4. The Collector-cum-Chairman, Appointment/Selection Committee, Darbhanga
5. The Chief Engineer, Water Resources Department, Darbhanga
6. The Superintending Engineer, Western Kosi Canal Circle, Nirmali, Darbhanga
7. The Executive Engineer, Western Kosi Canal Division No. 2, Sakri, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate
Mr. Deepak Kumar, Advocate

For the Respondent/s : Mr. Mr. Gyan Shankar, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-05-2017

Heard the parties.

The matter relates to regularization of the petitioner against the post of Driver. Annexure-9 to the writ petition read along side Annexure-B series to the counter affidavit would reflect that there is no sanctioned post of a Driver available in the regular establishment of the Western Kosi Canal Division No. 2, Nirmali in the district of Darbhanga and it is in this view of the matter that the petitioner has been relieved of his duties.

Mr. Gyan Shankar, appearing for the respondents invited the attention of this Court upon the letter of the Superintending



Engineer, present at running page 45 to submit that it is in this view of the matter that the compensation has been paid to the petitioner. While, Mr. Amarendra Narayan, learned counsel for the petitioner has orally submitted that the compensation amount has not been paid to the petitioner, there is no rejoinder to the counter affidavit.

Having heard learned counsel for the parties and considered that the relieving of the petitioner under the orders of the Executive Engineer, present at Annexure-B series to the counter affidavit, is on the ground of non-availability of sanctioned post of Driver, I am not persuaded to grant indulgence to the relief prayed for in the writ petition. However, while observing as such, this Court would remind the Superintending Engineer, Western Koshi Canal Division to discharge the obligation of payment of compensation amount to the petitioner in terms of his letter dated 6.8.2008, if not already paid, within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is, accordingly, disposed of.

(Jyoti Saran, J)

S.Pandey/-

NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2017
Transmission Date	

