

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15670 of 2012

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Babu Lal Sah Son Of Late Lagan Sah Resident of Village- Senuwaria, P.O.- Misraulia, P.S. Chiraiya, District- East Champaran, Motihari, at present posted as Chaukidar, in Building Construction Department, Gaya Division, Gaya

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Public Works Department, Building Construction Department, Bishwasaraiya Bhawan, Bihar, Patna
3. The Chief Engineer, Dakshni Upbhag, Building Construction Department, Bihar, Patna
4. The Superintending Engineer, P.W.D. Building Circle, Gaya
5. The Executive Engineer, P.W.D. Building Division, Gaya

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar Sinha, Advocate
For the Respondents	:	Mr. Nagendra Prasad Yadav, SC 23 Mrs. Vijaya Laxmi Srivastava, AC to SC 23

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-09-2017

The present petition has been filed for a direction to the respondents to absorb the petitioner in regular service.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Chaukidar and joined on 01.04.1982 in the work charge establishment and has since been discharging his duties as Chaukidar continuously. Despite his retirement due in January, 2013, his services had not been made permanent. Learned counsel for the petitioner submits that the case is on all fours with the facts of CWJC No. 13673 of 2012 (Mangal Pandey vs. the State of Bihar and others) disposed of on 21.09.2012 holding that the petitioner therein was entitled to the same benefits as given to the



petitioners of CWJC No. 16060 of 2004 decided on 03.05.2007. LPA No. 1363 of 2013 (The State of Bihar vs. Mangal Pandey) filed against the judgment in CWJC No. 13673 of 2012 was dismissed on 17.02.2017 (Annexure-8).

3. Learned counsel for the respondents appears and has been heard. He is, however, unable to controvert the stand of the petitioner that his case is similarly situated with that of Sri Mangal Pandey, petitioner of CWJC No. 13673 of 2012. By order dated 12.03.2013, the respondents were granted time to file an affidavit as to whether the order passed in the case of Mangal Pandey has been allowed to become final. Nothing has been brought on record on behalf of the respondents to show that LPA No. 1363 of 2013 has not attained finality.

4. In the above circumstances, the writ petition is allowed in line with and on the same terms as CWJC No. 13673 of 2012 (Mangal Pandey vs. the State of Bihar and others).

(Vikash Jain, J)

Chandran/BT

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CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

