

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19899 of 2016

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1. Shiv Kumar Datta Son of late Tej Narayan Datta Resident of Village- Dhouni,
P.O. and P.S. Tarapur, Disrict- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department,
Government of Bihar, Sinchai Bhawan(Third Secretariat), Patna-1
2. The Chief Engineer, Water Resources Department, Bhagalpur Zone, Office at
Barari, P.S.- Kotwali (Industrial Area), Town and District- Bhagalpur.
3. The Executive Engineer, Water Resources Department, Irrigation Division, Bijji
Kharwa, District- Banka.
4. The District Magistrate, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Adv.
For the Respondent/s : Mr. Vikash Kumar- SC11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard Mr. Purushottam Kumar Das learned counsel for the
petitioner and Mr. Rewati Kant Raman, A.C. to S.C.4 for the State.

The petitioner prays for the following reliefs:

- I. For quashing the office order of Respondent no.2, the
Chief Engineer, Sinchai Srijan, Water Resources
Department, Bhagalpur Communicated vide letter no.
680 dated 12.09.2016 contained at Annexure-1, by which
the petitioner has arbitrarily/illegally been removed from
the service/employment of respondent department even
after 32 years of his continuous unblemished sincere and
satisfactory service rendered to the department as daily
wager employee since the date of his initial appointment/
engagement made on 01.10.1984.
- II. For commanding the respondents to grant all
consequential benefits to the petitioner forthwith in
consequence of setting aside of the impugned order of
removal of petitioner from service (Annexure-1).
- III. For commanding the respondents with an explicit



order/direction to consider the case of the petitioner and to confirm his absorption/regularization in service of the department which has already been processed vide letter no.1385 dated 13.04.2015 by the then Chief engineer Sri Laxman Ram in terms of the Sankalp no. 639 dated 16.03.2006 of the Karmik Department as well as various decision of this Hon'ble Court vide C.W.J.C. No. 1373/2014 order dated 13.02.2015 and C.W.J.C. No. 24330/2013 order dated 30.11.2015 in the matter of similarly situated co-employees by which they have been regularized even after rejection of their claims for regularization by the Respondent no.2.

- IV. For commanding the respondents to grant all the consequential benefits to the petitioner after confirming his regularization/ absorption in regular establishment of service w.e.f date since when similarly situated junior co-employees to the petitioner have been given such benefits in any situation in the light of catena of decision of the Hon'ble Supreme Court and this Hon'ble Court as well as in the matter of regularization.
- V. For granting stay on operation of impugned order of removal till final disposal of this case”

Mr. Das learned counsel for the petitioner has referred to a judgment of this Court arising from **C.W.J.C.No.49 of 2017(Manoj Kumar Singh Vs State of Bihar & Ors.)** to submit that the case of the petitioner is on identical footing and would stand covered by the directions issued by this Court in that case. Mr. Das has referred to a list of daily wagers at Annexure-2/1 to submit that while the name of the said **Manoj Kumar Singh** (supra) appears at Serial No.84 of the list that of the petitioner is at serial No.83 and thus the present writ petitioner has a better claim to the relief than the case of **Manoj Kumar Singh** (supra).



Since the judgment passed in the case of **Manoj Kumar Singh** (supra) was not to the knowledge of the learned State counsel that this matter was passed over yesterday to be taken up today and when learned State counsel would not dispute the submission advanced by Mr. Das.

Having heard learned counsel for the parties and considering that the case of the petitioner is on same footing as that of the **Manoj Kumar Singh** (supra), I deem it proper to dispose of this writ petition with the direction to the Chief Engineer the respondent No.2, Water Resources Department to consider the case of the petitioner for regularization in the light of the judgment and order of this Court passed in C.W.J.C.No.49 of 2017 and dispose of the claim in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2017
Transmission Date	NA

