

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18775 of 2008

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1. Ram Lal Chero, son of Ramjee Chero.
 2. Sri Krishna Chero, son of Shukh Nandan Ram.
 3. Ram Kawal Chero, son of Late Bandhan Chero.
 4. Biga Chero, son of Raghu Chero.
 5. Pujan Chero, son of Late Feku Chero.
 6. Bhual Chero, son of Janga Chero.
 7. Narayan Chero, son of Late Nathaie Chero.
 8. Bigu Chero, son of Late Bhanu Chero.
 9. Jamuna Chero, son of Late Tulsi Chero.
 10. Ramgati Chero, son of Late Sukar Kharwar.
 11. Hari Narayan Chero, son of Jagan Singh.

All resident of village-Kramchat, Post Office-Bhidni Bandh, Police Station-Kramchat Sawar, District- Kaimur at Bhabhua.

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Water Resources, Sichaiee Bhawan, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
4. The Executive Engineer, Durgawati Dam Division No.1, Bhitri Banch, Department of Water Resources Department, Kaimur at Bhabhua.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Jitendra Kr. Roy, Advocate
Nikki Singh, Advocate

For the Respondent/s : Mr. H.S. Roy, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 09-01-2018

Heard learned counsel for the petitioners and learned



counsel for the State.

2. The petitioners are the land oustees on account of construction of 'Durgawati Dam' and on that account the entire land of these petitioners were taken and they were declared as displaced persons. The Government has come forward with the scheme to provide one employment to every family who were declared to be displaced persons, preference would be given those whose 100% land has been taken away followed by 75% and later on 50% accordingly. These petitioners were appointed on ad-hoc-cum-daily wager basis, they are claiming that for last 20 years they were in service but they were not regularized, on that account they have approached this Court in C.W.J.C. No.1760 of 2000 and this Court vide order dated 15.04.2005 directed the respondents to consider the case of the petitioners and convert them from ad-hoc/daily wager to permanent appointment in its permanent establishment.

3. A counter affidavit has been filed by the State, wherein it has been brought to the notice of this Court that petitioners petitioner nos. 1, 4, 6,7,8,9 and 11 and sons of petitioner nos. 2, 3, 5 and 10 have now been regularized in service, which has been explained in paragraph nos. 4, 5 and 6 of the counter affidavit, by different notifications.



4. A limited grievance has been raised by the petitioners that their past services have not been taken into consideration while passing the order of regularization though they were appointed under the scheme floated by the Government for giving employment to displaced persons, so the past services should also be counted for all purposes, which has been resisted by learned counsel for the State, submitting that as per the direction of this Court their services were converted to permanent establishment and the past services cannot be looked into in the present proceeding as on the date of issuance of notification quite different pension policy was prevailing, old pension policy will not be applicable to the petitioners.

5. Be that as it may, it is a fact that the petitioners were brought in service on account of scheme of the Government for giving one employment to every family of the displaced persons, it is the Government who has extended the promise to the petitioners. When the Government extends promise being a welfare State, it must stand to its promise, it would not be proper to the Government to modulate and dilute the policy in its implementation. When talks about the service, it cannot be presumed that it is daily wage, but it is a permanent service, which was not extended in the beginning, but after intervention of this Court the petitioners have been



regularized in service.

6. Looking to the totality of the facts and circumstances of the case, this Court directs the respondents to take into consideration the past service which has been rendered by the petitioner for the purposes of pension as well as A.C.P benefit not for others.

7. Accordingly, this writ petition is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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