

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1112 of 2017

In

Civil Writ Jurisdiction Case No.13016 of 2014

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1. The Bihar State Housing Board, through its the Managing Director, Sardar Patel Path, Patna.
 2. The Secretary, Bihar State Housing Board, Sardar Patel Path, Patna.
 3. The Executive Engineer, Bihar State Housing Board, Patna Division II, Bhootnath Road, Patna.
 4. The Chief Accounts Officer, Bihar State Housing Board, Sardar Patel Path, Patna.

... .. Appellant/s

Versus

1. Arun Kumar Singh, son of Sri Gaya Prasad Singh resident of village Samartha, P.S. Bibhutipur, District Samastipur.
2. The State of Bihar through the Principal Secretary, Housing Department, Government of Bihar, Patna.
3. The Deputy Secretary, Housing Department, Government of Bihar, Patna.
4. The Regional Provident Fund Commissioner, R. Block, Patna.

... .. Respondent/s

with

Letters Patent Appeal No. 1063 of 2017

In

Civil Writ Jurisdiction Case No.15731 of 2012

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1. The Bihar State Housing Board, through the Managing Director, Sardar Patel Path, Patna.
 2. The Secretary, Bihar State Housing Board, Sardar Patel Path, Patna.
 3. The Executive Engineer, Bihar State Housing Board, Patna Division- II, Bhootnath Road, Patna.

... .. Appellant/s

Versus

1. Arun Kumar Singh, Son of Gaya Prasad Singh, Resident of village- Samartha, Police Station- Bibhutipur, District- Samastipur.
2. Jagbali Prasad, Son of Late Janki Sao, Resident of Mohalla- Rajendra Nagar, Police Station- Kadamkuan, District- Patna.
3. Chandan Bhushan Singh, Son of Late Ram Nirikh Singh, Resident of village- Piyaria, P.S.- Gaurichak, District- Patna.
4. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.

... .. Respondent/s



Appearance :

For the Appellant/s : Mr. Ravindra Kumar Priyadarshi, Advocate
Mr. Anshuman Singh, Advocate
For the Respondent/s : Mr. Banwari Sharma, Advocate
Mr. Shiv Kumar, Advocate
Mr. Sahjanand Sharma, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT**

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-03-2018

Delay of 155 days in filing of the appeals is condoned. I.A. No. 5769 of 2017 stands allowed and disposed of.

Having heard learned counsel for the parties and having considered the rival contentions advanced, we find that in Civil Appeal No. 766 of 1991 with regard to regularization of 257 workers in the Work Charged Establishment specific orders have been passed by the Hon'ble Supreme Court and in Paragraphs 26, 27 and 28 the learned Writ Court has dealt with the issue in the following manner:-

“26. In Civil Appeal No. 766 of 1991 the Hon'ble Supreme Court had clearly directed the Board to regularize the services of 257 workers in work charge establishment. It had also directed that they shall cease to be daily workers with effect from 19th September, 1990. The operative part of



the order dated 13th February, 1991 passed in Civil Appeal No. 766 of 1991 of the Hon'ble Supreme Court reads as under:-

“We are satisfied on the material placed that 257 daily workers are entitled to be regularized in the work-charge Establishment as per the chart enclosed to the letter dated 30.6.1990. The names of these 257 workers have been approved by the Administrative Department of the Housing Board on 15th December, 1990.

We, therefore, direct that the Housing Board shall regularize the services of these 257 workers in its work-charge Establishment and they shall cease to be daily workers with effect from 19th September, 1990.”(emphasis mine)

27. When the aforesaid order the Hon'ble Supreme Court was not complied with by the respondent Board, the petitioner had to knock the door of this Court by filing CWJC No. 3630 of 1992 and this Court vide order dated 29th August, 1997 directed the Board to regularize the remaining 65 persons in the work charge establishment. The



operative part of the order passed by this Court in
CWJC No. 3630 of 1992 reads as under:-

In that view of the matter, this Court holds that only operative direction which it can pass is that after the regularization of 192 persons, in respect of the remaining persons i.e. 65 persons the said Board will follow the following direction in the matters of regularization:-

i) Such regularization must be on the basis of seniority of the daily wage workers.

ii) In matter of such regularization, reservation policy as was existing on the date of the Supreme Court order ought to be followed.

iii) The process of regularization directed by the Supreme Court order in 1991 may be completed within a period of next six months from the date of receipt/communication of a copy of this order.” (emphasis mine)

28. Thereafter, instead of complying with the direction of this Court, a mischief was done by passing an order whereby direction was



made to retrench the services of remaining daily wage workers after giving them advance of one month as per the provisions of Section 25-F of the Industrial Disputes Act.”

As far as the present employees are concerned, they are the persons within the 257 employees whose cases were considered by the Hon’ble Supreme Court and directions issued. That being so, with regard to these 257 persons the departmental authorities or the appellants herein cannot deny the benefit on the ground that in certain other cases writ petitions filed have been rejected. The writ petition filed and rejected pertains to employees who do not form part of 257 persons in whose cases orders have been passed by the Supreme Court and taking note of the benefit granted to the 257 persons by the Supreme Court the learned Writ Court having allowed their claim and having directed that these persons should be deemed to have been regularized with effect from 19.09.1990 and granted all consequential benefits, we see no error in the order passed by the learned Writ Court warranting reconsideration.

Both the appeals stand dismissed. If the Board makes all payment of dues to the respondent employees within a period of 60 days from the date of receipt of the certified copy



of this order, the direction for payment of cost by the Writ Court shall stand set aside, otherwise the arrears will have to be paid along with the cost.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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