

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2877 of 2014

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MD. NASIR SON OF LATE MD. AMIN RESIDENT OF MOHALLA -
MAHARAJGANJ CHAUCK, P.O. JAMUI, P.S. JAMUI, DISTRICT -
JAMUI

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar,
Patna
2. The Principal Secretary, P.H.E.D., Government Of Bihar, Patna
3. The Chief Engineer, (Mechanical), P.H.E.D., Bihar, Patna
4. The Superintending Engineer, P.H.E.D., Bhagalpur
5. The Executive Engineer, P.H.E.D. (Mechanical), Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha
For the Respondent/s : Mr. SC-23 KUMAR PRIYA RANJAN

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 23-02-2018

This writ petition under Article 226 of the Constitution of India has been filed for a direction to Respondents-authorities to regularize the services of the petitioner with effect from 18.6.1993 and pay all the consequential benefits to the petitioner.

Petitioner was engaged as Daily Wage Mechanic Grade-II, PHED, Bhagalpur, on 20.1.1984 under the Superintending Engineer, PHED, Bhagalpur (Respondent no. 4) on a vacant post and recommendation was sent to the Chief Engineer (Mechanical) PHED, Bihar, Patna, for his appointment against vacant post of Mechanic Grade-II on 6.4.1989. The Executive Engineer PHED (Mechanical), Munger, made recommendation of petitioner to the



Superintending Engineer (Mechanical) PHED, Bhagalpur and same was sent to the Chief Engineer (Mechanical) PHED, Bihar, Patna, for favourable consideration by letter dated 12.4.1989 and in reply thereto Chief Engineer by his letter dated 30.6.1989 had stated that the power is vested in the Superintending Engineer and he was competent to make the appointment and thereafter vide office order dated 10.10.1995 petitioner along with eight others were provisionally appointed against the vacant post of Pump Khalalshi (Pump Operator) with effect from 18.6.1993 in the pay scale of Rs.775-1025 as petitioner has completed more than unbreakable 240 days before 1.8.1985. The services of petitioner have been regularized vide Memo no. 30.11.2006 from the date of issuance of notification ignoring the fact that the petitioner was appointed on 18.6.1993.

The issue raised in this petition has been decided by order dated 1.12.2017 passed in C.W.J.C. No. 14739 of 2011. Hence, the present writ petition is also disposed of under the same terms and conditions as mentioned in the aforesaid writ petition.

“ In such view of the matter, this Court directs the respondent to consider the case of the petitioners and give the benefit of regularization from the date their juniors have been given. The order of regularization dated 14.5.2011 is modified to that extent the benefit is extending from the date juniors have been given, the order is required to be modified only to the extent indicated above.

It is made clear that necessary exercise is to be taken when petitioners would furnish the name of junior persons



who have been regularized in service earlier are their juniors.

For convenience, the petitioners are directed to file a detailed representation along with present order to the concerned authority within a period of four weeks from today and concerned authority will dispose of the same within a period of three months from the date of filing of the representation.

With the aforesaid observation and direction this writ petition is allowed to the extent indicated above.”

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

