

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20424 of 2013

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1. Krishna Ram Son Of Late Saguni Ram Resident Of Village, P.O. And P.S. Arbal, District - Arbal
 2. Satyendra Sharma Son Of Late Shivdeo Sharma Resident Of Village - Dehura, P.S. Hulasganj, P.O. Bauli Beldari, District - Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Public Health Engineering Department, Govt. Of Bihar, Patna
2. The Engineer-In-Chief-Cum-Special Secretary, Public Health Engineering Department, Govt. Of Bihar, Patna
3. The Superintending Engineer, Public Health Engineering Department, Gaya Circle, Gaya
4. The Executive Engineer, Public Health Division, Jehanabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamala Prasad Roy, Advocate
	:	Mr. Satya Ranjan Sinha, Advocate
	:	Ms. Seema Kumari, Advocate
For the State	:	Mr. K.K. Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 19-02-2018 This writ petition under Article 226 of the Constitution of India has been filed by the petitioners for their regularization with effect from the date on which Juniors to them have been regularized i.e. on 30.11.1994 as well as order dated 14.05.2011 by which the representation of petitioners was rejected by the Executive Engineer, Public Health Division, Jehanabad. Petitioners had earlier moved this Hon'ble Court for regularization of their service from work charge establishment to regular establishment in C.W.J.C. No. 358 of 2008 and C.W.J.C. No. 5401 of 2008 with another analogous matters



which was disposed of by order dated 17.11.2009 and 24.11.2009 with a direction to respondents to consider the case of petitioners and pass a reasoned order and pursuant to said direction petitioners filed their representations with full details on 15.02.2010. However their claim for regularization was rejected by the order. The claim of petitioners for their regularization for work charge establishment to regular establishment from 30.11.1994 on which juniors to them were regularized has been rejected in a most mechanical manner.

2. It has been submitted that petitioners were working as 4th grade employee under the work charge establishment and out of 72 employees services of 47 employees including juniors to petitioners were regularized on 23.11.1994 in the regular establishment. However, petitioners were not considered for regularization of their service from work charge establishment to regular establishment. That by order dated 28.11.2006 the services of 4th grade employees including petitioners of Public Health Division, Jehanabad were regularized in regular establishment.

3. It has been submitted on behalf of the petitioners that similar issue was decided by order dated 01.12.2017 passed in C.W.J.C. No. 14739 of 2011 Nageshwar Prasad & Others Vs.



The State of Bihar & Ors and present writ petition may be disposed of with similar observation as passed in above referred matter. The operative portion of the order as passed in abovementioned case is quoted below:-

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 14.05.2011 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.

4. The present writ petition is disposed of with same observation and direction as contained in C.W.J.C. No. 14739 of 2011

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

