

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12858 of 2014

Sanjay Kumar Singh, son of Shri Chandrika Prasad Singh, resident of village-Dharaut, police station- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, Urban Development, Bihar, New Secretariat, Patna.
3. The District Magistrate, Jehanabad.
4. The Sub-Divisional Magistrate, Jehanabad.
5. The Chairman Nagar Panchayat, Makhdumpur, District- Jehanabad.
6. The Executive Officer, Nagar Panchayat, Makhdumpur, District- Jehanabad.
7. Md. Anwar Ansari, Present working as Tax Daroga in the office of the Executive Officer, Nagar Panchayat, Makhdumpur, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Rajendra Prasad, Advocate
For the Respondent No. 8	: Mr. Kumar Rajeev, Advocate
For the Nagar Panchayat	: Mr. Binay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 04-04-2018

This writ petition under Article 226 of the Constitution of India has been filed for quashing the order dated 12.06.2014 passed by Executive Officer, Nagar Panchayat, Makhdumpur, Jehanabad as contained in Annexure-16.

2. Briefly stated, the case of petitioner is that Government of Bihar vide letter dated 20.10.1986 issued by the Department of Urban Development, sanctioned different posts including post of Tax Daroga for each of the notified area which was designated as Nagar Panchayat. The Notified Area Committee, Makhdumpur was reconstituted as Nagar Panchayat and in the year 2002, 14 ward Commissioners were elected and Shri Badan Manjhi was elected as Chairman of Nagar Panchayat by the elected Commissioners.

3. Petitioner is Intermediate in science with a diploma



in Sanitary Inspector was appointed on the post of Safai Jamadar on daily wages of Rs. 31/- by letter dated 16.10.1995 and petitioner joined the said post.

4. On 23.03.1996 Nagar Panchayat, Makhdumpur took a decision for regularizing the services of daily wages employees of the Nagar Panchayat, Makhdumpur and services of petitioner as Safai Jamadar was regularized with effect from 17.01.1998 in pay scale of Rs. 800-1150. The petitioner joined on the regular post on 20.01.1998

5. The Executive Officer, Nagar Panchayat, Makhdumpur by letter dated 11.02.2006 asked petitioner to appear before Nagar Panchayat Committee on 17.02.2006 for interview for the post of Tax Daroga along with his academic qualification.

6. On 17.02.2006 petitioner appeared and was found to be eligible for the post of Tax Daroga and was promoted as Tax Daroga by the Nagar Panchayat and petitioner joined on the post of Tax Daroga on 18.02.2006.

7. Petitioner is working on the post of Tax Daroga since 18.02.2006 and was paid salary till July 2012 and thereafter payment was stopped from August 2012. Petitioner gave several representation to the authorities but no action was



taken on such representation and petitioner filed C.W.J.C. No. 2826 of 2013 which is still pending.

8. Respondent No. 7 Md. Anwar Ansari was initially appointed on daily wages Peon with effect from 30.08.1995 and was regularized on the post of Peon by order dated 23.03.1996. On 06.04.2005 an Enquiry Committee was formed to make enquiry against appointees of Nagar Panchayat, Makhdumpur and it was found that Md. Anwar Ansari was appointed as a Peon and from 01.08.1997 he made attendance as Peon –Cum-Tax Daroga and thereafter from 01.09.1997 he made attendance as Tax Daroga, however his appointment was not approved as Tax Daroga and he was directed to work as Peon.

9. On 09.04.2005 a meeting of Nagar Panchayat was held and it was found that promotion of respondent No. 7 from Peon to Tax Daroga was illegal and cancelled said promotion and since he did not accept and obeyed the order, he was dismissed from service. Respondent No. 7 filed writ petition challenging the two orders dated 11.04.2005 and 15.07.2006 by which he was demoted from the post of Tax Daroga and subsequently dismissed from the service.

10. After hearing the parties, the writ petition was allowed by this Court on 31.07.2008 on the ground that before



dismissal no departmental proceeding was initiated against him and in compliance of said order dated 12.09.2008 a decision was taken that respondent No. 7 be reinstated on the post of Peon and on 24.09.2008 respondent No. 7 was directed to join on the post of Peon.

11. By order dated 12.06.2014 petitioner was demoted on the post of Safai Jamadar and respondent no. 7 was made Tax Daroga which has been challenged by the petitioner in this writ petition.

12. A counter affidavit has been filed on behalf of respondent No. 6 in which it has been stated that respondent No. 7 Md. Anwar Ansari was allowed to work on the post of Tax Daroga on daily wages by letter dated 03.08.1997 and subsequently his service was regularized on the post of Tax Daroga by letter dated 20.01.1998. Respondent No. 7 had filed C.W.J.C No. 12839 of 2005 challenging his order of reversion as well as order of dismissal and this Court by order dated 31.07.2008 quashed both the orders and said order attained finality and in compliance of order dated 31.07.2008 passed by this Court Mr. Ansari was reinstated on the post of Tax Daroga by letter dated 29.09.2009 and is being paid salary of Tax Daroga.



13. There is only one post of Tax Daroga in the Nagar Panchayat, Makhdumpur as sanctioned by State Government and employees who were appointed on daily basis were regularized by which Anwar Ansari (respondent No. 7) was regularized against Tax Daroga, Sanjay Kumar Singh (petitioner) as Safai Jamadar and Shiv Kumar Paswan as Peon. In the meeting of Board on 09.04.2005 respondent No. 7 Anwar Ansari was demoted on the post of Peon and subsequently due to disobedience order of Nagar Panchayat Anwar Ansari was dismissed from service and Sanjay Kumar Singh (petitioner) was promoted as Tax Daroga and Shiv Kumar Paswan was promoted as Safai Jamadar against which respondent No. 7 Anwar Ansari filed a writ petition which was allowed and the order of dismissal and demotion was set aside and as such, in compliance of said order which attained finality, respondent No. 7 was reinstated as Tax Daroga and petitioner was reverted on the post of Safai Jamadar and Shiv Kumar Paswan was made Peon. Petitioner was promoted on the post of Tax Daroga because said post became vacant due to removal of respondent NO. 7 but when his removal was set aside and he was reinstated on the said post, as a consequence, petitioner was reverted on the post of Safai Jamadar in compliance of order passed by this



Court and same has attained finality, as such, this Court does not find any error or illegality in the order dated 12.06.2014 passed by Executive Officer, Nagar Panchayat, Makhdumpur, Jehanabad. Accordingly the present writ petition is dismissed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

