

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13360 of 2010

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1. MD.PHARUKH S/O LATE MD. SAHIDUL RAHMAN R/O VILL.- MAJGAMA, P.S.- MAHALGAON, DISTT.- ARARIA
 2. MD. MAHBOOB ALAM S/O SHEIKH AYUB R/O VILL.- BHAGMOHABHAT, P.S.- ARARIA, DISTT.- ARARIA
 3. MD. KAYAMUDDIN S/O SAGIRUDDIN R/O VILL.- CHILHANJAN, P.S.- MAHALGAON, DISTT.- ARARIA
 4. MD. JABADUL HAQUE S/O ABDUL GAFFAR R/O VILL.- CHAKAR, P.S.- JOKIHAT, DISTT.- ARARIA
 5. CHANDRAKANT JHA S/O LATE BAIDYANATH JHA R/O VILL.- BHADARSHAR, P.S.- JOGBANI, DISTT.- ARARIA
- ... Petitioners

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY null PUBLIC HEALTH ENGINEERING DEPARTMENT, VISHWESHRIYA BHAWAN, PATNA
2. THE ENGINEER-IN-CHIEF PUBLIC HEATH ENGINEERING DEPARTMENT, VISHWESHRIYA BHAWAN, PATNA
3. THE CHIEF ENGINEER (MECHANICAL) PUBLIC HEALTH ENGINEERING DEPARTMENT, VISHWESHRIYA BHAWAN, PATNA
4. SUPERINTENDING ENGINEER PUBLIC HEALTH ENGINEERING DEPARTMENT, PURNIA
5. EXECUTIVE ENGINEER P.H.DIVISION, ARARI ... Respondents

Appearance :

For the Petitioners	:	M/s Gajendra Kumar Jha, Bam Bahadur Jha & Sushil Kumar Jha, Advs.
For the Respondents	:	Mr. Ajay Behari Sinha, G.A. VIII with Mr. Neeraj Raj, AC to GA VIII

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 03-04-2018 Heard learned counsel for the petitioners and the learned counsel for the State.

The petitioners were working as daily wager at the initial stage. Later on they become work charge employees, but, they were reverted in 2002 as daily wager again. At present the petitioners have been regularized in service.

The grievance has been raised that the action of the Department reverting the petitioners from work charge



employees to daily wager was completely arbitrary exercise of the power and the petitioners cannot be denied the salary of work charge employee for the period they remained under reversion.

The counsel for the petitioners submits that the present case is covered by the judgment, dated 28.06.2017, passed in C.W.J.C. No. 1791 of 2008.

let the petitioners should make a representation to the Engineer-in-Chief, Public Health Engineering Department, Vishweshriya Bhawan, Patna, and if such representation is filed, the Engineer-in-Chief will examine the case and if finds that both are identical case, certainly, the petitioners will be given the same benefit as has been given to Birendra Kumar and others.

With this observation, this petition is **disposed off**.

(Shivaji Pandey, J)

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