

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20136 of 2014

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Birendra Singh son of late Bharat Singh, resident of village-Barap, P.O. Bargawa, P.S. Garahani, Distt. Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Deputy Secretary, Water Resources Department, Bihar, Patna
3. The Chief Engineer (Mechanical) Water Resources Department, Patna
4. The Executive Engineer, Digha Mechanical Division, Digha, District-Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. Kameshwar Kumar, GA17
		Mr. S. K. Ranjan, AC to GA17

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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 direction upon Respondent-authorities to regularize services of the petitioner because he is discharging his duty on his post under Work Charge Establishment since 2.1.1991. Petitioner was initially appointed between 1979 to 1982 as Daily Wages and thereafter he came in the Work Charge Establishment since 2.1.1991. Petitioner continued to work on Daily Wages although similarly situated persons were regularized. The services of petitioner was terminated by order dated 27.7.1993 with retrospective



effect from 21.1.1991 and same was challenged in CWJC No. 7400 of 1993 and Respondent-State stated in their counter affidavit that as there is a bar on the appointment under Work Charge Establishment and also the Chief Engineer was not the competent authority to make such appointment and was not competent to regularize services of employees of Work Charge Establishment. The writ petition was allowed by order dated 24.8.1993 and the order of termination was quashed but liberty was granted to initiate fresh proceeding in accordance with law and petitioner was reinstated under Work Charge Establishment by letter dated 2.9.1995. Appointment of petitioner under Work Charge Establishment was again cancelled and he was reverted on Daily Wages. Petitioner filed CWJC no. 10893 of 1995 and the aforesaid letter dated 5.10.1995 was quashed and thereafter individual notice was served on petitioner on 15.4.1995 as to why he should not be reverted on Daily Wages in Work Charge Establishment and petitioner submitted his reply stating therein that the Chief Engineer is the competent to appoint under Work Charge Establishment and there was no such bar in appointment under Work Charge Establishment. However, his reply was not found satisfactory and he was deemed to be reverted on the post on Daily Wager from 27.7.1993. Pursuant



to order passed in CWJC No. 8397/95 dated 1.2.1996 petitioner filed detailed representation before the Chief Engineer for consideration of his case for regularization.

This writ petition is disposed of with a direction to the Chief Engineer (Mechanical) Water Resources Department, Patna, (Respondent No. 3) to consider and pass a speaking order with respect to the case of petitioner for regularization under regular establishment as petitioner claims to be working as a regular employee under Work Charge Establishment since 1982 and persons junior to him have been regularized but no decision has been taken on the representation filed by him. The whole exercise shall be completed within a period of three months from the date of receipt/production of a copy of the order of this Court.

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

