

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15237 of 2010

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Rajendra Singh S/O Late Palku Singh R/O Vill Hasanpura, P.S.& Distt-
Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar Through Secretary, Department Of Rural Development
Department Govt. Of Bihar, Patna
2. The Secretary, Department Of Rural Development Department Govt. Of
Bihar, Patna
3. The Superintending Engineer, R.E.O.(Work Circle) Bhagalpur
4. The Executive Engineer, R.E.O.(Work Division) Munger
5. The Executive Engineer, R.E.O.(Work Division) Lakhisarai
6. The Executive Engineer, R.E.O.(Work Division) Sheikhpura
7. The Accountant General Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Adv.

For the Respondent/s : Mr. Rana Bhupendra Nr. Singh, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 16-04-2018

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is seeking relief for
regularization in service claiming that the juniors to him have been
granted benefit of regularization but, he has been deprived of the
same.

Earlier, the petitioner has filed I.A. No. 1121 of 2009 in
C.W.J.C. No. 3591 of 2005 with a prayer that the respondent be
directed to regularize the services of the petitioner from the date of
initial appointment. The Court has recorded that the prayer made
in the aforesaid interlocutory application was incongruous and
further said that in other words the respondents are correct in



saying that the petitioner was not a permanent employee and the interlocutory application was rejected but, liberty was given to the petitioner if he likes so he may take steps for regularization of his service but, instead of reaching to the appropriate authority, again he has filed the present writ application making the same prayer submitting that the Court has given liberty to the petitioner to approach appropriate forum and, in his considered view, the writ forum is the proper forum for granting the benefit of regularization.

Learned counsel for the petitioner has submitted that he was appointed in the year 1978, as per notification dated 20.4.1991 (Annexure-7) wherein the persons who had completed ten years of service were identified and they were given the benefit of regularization and it was mentioned that on their coming in the regular establishment, the post, they were holding, will be treated to be automatically abolished.

In the present case, learned counsel for the petitioner has submitted that on the day the notification i.e. 20.4.1991, the petitioner had completed 10 years of service and he continued on the said post till his retirement but, the petitioner has been deprived of the benefit of regularization in service. He has placed reliance on the judgment in the case of *Prem Ram Vs. Managing Director, Uttarakhand Pw & Nirman Nigam, Dehradun & Ors.*



reported in *2015(4) PLJR 126 (SC)* wherein it has been held that if there is a scheme of the Government for regularization and if the person junior to the petitioner were work-charge employee, have been brought to the regular establishment then he should be given the same benefit as has been given to the others and further held that if the Government has framed a scheme and the person, who had completed ten years of service, as prescribed therein, in such circumstances, the person, who are covered under the scheme, cannot be denied the benefit of regularization arising under the said scheme.

In that view of the matter, let the petitioner should file proper representation to the appropriate authority who will consider the case of the petitioner and take a decision in accordance with law. All the process must be completed within a period of six months from the date of filing of the representation by the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
Transmission Date	NA

