

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19180 of 2010

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ASHA KUNWAR W/O LATE RAM PRASAD KHARWAR R/O
MOHALLA- V.I.P COLONY, WARD NO.-2, BHABHUA, POLICE
STATION-BHABHUA TOWN, DISTT.- KAIMUR (BHABHUA)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY, MINOR IRRIGATION DEPARTMENT
GOVT. OF BIHAR, PATNA
3. THE CHIEF ENGINEER, MINOR IRRIGATION DEPARTMENT GOT. OF
BIHAR, PATNA
4. THE SUPERINTENDING ENGINEER, MINOR IRRIGATION CIRCLE,
SASARAM, ROHTAS
5. THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
BHABHUA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3
For the Respondent/s : Mr. (Sc19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 30-07-2018

The petitioner by way of the present writ petition has sought for regularization of the services of her husband.

2. The brief facts of the case are that the husband of the petitioner, namely, Sri Ram Prasad Kharwar joined on the post of Chaukidar in the Work Charged Establishment on 01.04.1982, however, his services was terminated vide Memo dated 15.07.1982. The said order of termination was challenged in a writ petition bearing C.W.J.C. No. 3275 of 1985 and the petitioner was taken back in service vide letter dated 04.02.1986, without back wages.



3. The learned counsel for the Respondents has submitted that according to the Resolution dated 20.09.1990 issued by the Finance Department, the services of only such work charged employees can be regularized, who have been appointed prior to 21.10.1984, but the services of the husband of the petitioner in the work charged establishment had been continued with effect from 20.12.1985 and not from 01.04.1982, hence, the husband of the petitioner cannot be regularized in the regular service. The learned counsel for the Respondents has further submitted that the husband of the petitioner had died while working as a work charged employee, hence, at this stage, no relief can be granted to the petitioner.
4. The aforesaid facts have not been controverted by the petitioner.
5. For the reasons mentioned hereinabove, there is no merit in the present writ petition, accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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