

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4180 of 2015

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Amar Nath Singh son of Chulahi Singh resident of village and Post Office
Magaidih, Police Station Muffasil District- Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary to Government. Public Health Engineering Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Public Health Engineer Circle, Chapra, District- Chapra.
4. The Executive Engineer, Public Health Division, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate
For the Respondent/s : Mr. Ravi Kumar, AC to GP 13
Mr. Amresh, AC to GP 13
Mr. Ashok Kumar, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-08-2018

Heard learned counsel for the petitioner and the respondent
State.

2. The order dated 08.01.2015 bearing memo no. 40 issued
by the Executive Engineer, Public health Department, Chapra has
been challenged by the petitioner as under the same he has been
converted from permanent establishment to daily wages.

3. Counsel for the petitioner submits that the very premise
on which the said order has been passed that petitioner has never been
paid salary from the work charge established is false. He placed
reliance on documentary evidence which shows that he had been



working in the work charge establishment and payments were also made from the work charge establishment.

4. The order dated 08.01.2015 cannot be faulted on this ground since this evidence was not placed by the petitioner before the Executive Engineer when the order dated 08.01.2015 was being issued.

5. However, remedy is available to the petitioner which can resolve the claim of the petitioner on the ground of such proof before the Executive Engineer.

6. Without expressing any opinion on the petitioner’s claim, petitioner is permitted to approach the Executive Engineer with proof showing payment from the work charge establishment. In the event the petitioner approaches the Executive Engineer with such proof within a period of four weeks from today. The Executive Engineer will consider the issue with reference to records available in the establishment and take a final decision on the claim of the petitioner, by a reasoned and speaking order in accordance with law.

7. Writ petition is disposed off with the aforesaid liberty.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

