

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2138 of 2017

=====

Indradeo Dubey Son of late Radheshyam Dubey, Resident of Village+ P.O.- Ratanpur, P.S.- Gidhaur, District- Jamui. At Present Posted as Peon in the office of Assistant Engineer, Irrigation Sub Division No.- 2 Barhat, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Under Secretary, Water Resource Department Govt. of Bihar, Patna.
3. Chief Engineer, Water Resources Department, Bhagalpur, District- Bhagalpur.
4. Chief Engineer Sichai Srijan Water Resources Department, Bhagalpur, District- Bhagalpur.
5. District Magistrate Bhagalpur, District- Bhagalpur.
6. Superintending Engineer, Irrigation, Division Circle Kharagpur.
7. Executive Engineer, Irrigation Division No.-1, Laxmipur, Jamui.
8. Assistant Engineer, Irrigation SubDivision No-2 Bharat Jamui.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. V. R. P. Singh, Advocate
Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Harish Kumar -GP8

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-08-2018

Heard the parties.

In the present writ petition, petitioner is challenging the order no. 685 dated 12.09.2016 issued by Chief Engineer Sichai Srijan Water Resources Department, Bhagalpur, District - Bhagalpur whereby and whereunder he has been terminated from service.

Petitioner was appointed as a daily wager and later on regularized in service and subsequently vide order no. 685 dated 12.09.2016 whereby and whereunder the services of the petitioner has



been terminated by mentioning therein that his name was not there in the recommendation list for regularization for Daily Wages Employee, but illegally regularized in services by the then Chief Engineer, Mr. Laxman Ram, and when new incumbent came constituted a committee for verification of regularization of services of Daily Wages Employees and whereafter it transpires that petitioner was wrongly regularized.

Learned counsel for the petitioner submits that subsequently his name was recommended vide office order number 1385 dated 13.04.2015 whereby and whereunder his services was regularized.

Learned counsel for the State has disputed the claim of the petitioner having stated that the regularization of the petitioner could have been only on the basis of recommendation made by the District Establishment Committee and those who were recommended having been regularized in service but the name of the petitioner was not in the recommendation list for regularization of services and the then Chief Engineer, Mr. Laxman Ram had illegally regularized the services of the petitioner alongwith others.

As per counsel for the petitioner one Sanjay Kumar approached this Court vide C.W.J.C. No. 228 of 2017 in identical matter submits that the case of the present petitioner is entirely covered by the judgment and order passed in that writ petition.



In such view of the matter, case of the petitioner be also considered in the light of judgment and order passed in C.W.J.C. No. 228 of 2017 and if the authority finds the case of the present petitioner is identical to the case of Sanjay Kumar he will be granted the same benefit as has been given to Sanjay Kumar.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2018
Transmission Date	NA

