

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17565 of 2014

Hakim Choudhary, son of Late Nageshwar Choudhary, r/o Village Dewapali,
PS Siwan, District Siwan at present daily wages worker, office of Executive
Engineer, Saran Nahar Pramandal at Maharajganj, District Siwan

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Department of Water Resources
Govt. of Bihar, Patna
2. The Chief Engineer Water Resources Department Govt. of Bihar, Patna
3. The Finance Secretary Govt. of Bihar, Patna
4. The Executive Engineer, Saran Nahar Ara Mandal at Maharajganj, District -
Siwan
5. The District Magistrate, Siwan
6. The Chief Engineer, Water Resources Department, Siwan

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17671 of 2014

Krishna Prasad Singh S/o Giri Kumar Singh Resident of Village - Dumropal,
P.S. Dhanarua, District - Patna at Present Daily Wages Worker, office of
Executive Engineer, Saran Nahar Pramandal at Maharajganj, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Water Resources
Govt. of Bihar, Patna
2. The Chief Engineer Water Resources Department Govt. of Bihar, Patna
3. The Finance Secretary Govt. of Bihar, Patna
4. The Executive Engineer, Saran Nahar Ara Mandal at Maharajganj, District
- Siwan
5. The District Magistrate, Siwan
6. The Chief Engineer, Water Resources Department, Siwan

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17565 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. Gp12-Madhuresh Prasad

(In Civil Writ Jurisdiction Case No. 17671 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. Sc14- Dr. Anshuman

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-10-2018

Heard learned Counsel for the petitioners and the



learned Counsel for the respondent State.

The two cases are being taken up together since the petitioners were all parties to the earlier writ petition i.e. CWJC No. 10000 of 2002.

The petitioners claim to be daily wages employees working in the office of Respondent No. 4 Executive Engineer, Saran Nahar Ara Mandal at Maharajganj, District – Siwan since long back. They have approached this Court for regularisation of their services

The respondent No. 3 has filed a counter affidavit in CWJC No. 17671 of 2014. It has been stated in the counter affidavit as follows:-

“(b) That appropriate decision/action in the light of instructions contained in Annexure – B has to be taken by Administrative Department concerned keeping in mind the decision rendered by the Hon’ble Apex Court vide para-43 of Uma Devi case. Finance Department is not Administrative Department of petitioner and if Administrative Department concerned seeks any advice on this issue, the same be obtained from General & Administrative Department which has issued the circular as contained in Annexure -B.”

Since the said stand of the State Government covers the cases of the petitioners in both the writ petition, interest of justice would be served by disposing of the two writ petitions



with a direction to the respondent No. 2 The Chief Engineer
Water Resources Department Govt. of Bihar, Patna, to take a
final decision in the light of the stand in the counter affidavit
expeditiously and preferably within a period of three months
from the date of receipt/production of a copy of this order.

Both the writ petitions are disposed of.

(Madhuresh Prasad, J.)

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