

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1716 of 2005

1. Prem Bhushan Kumar Sinha Son of Ram Swaroop Pd. Sinha Resident of Village- Jharokhas, P.S. Ghorasahan, District- East Champaran, by the Order of Executive Engineer, Irrigation at Purnia Initially Joined as Work Charged Survey Khalasi on 17.6.1992, appointed as correspondece Clerk on 23.12.81 in the light of State Govt. Decision, At Present Correspondent clerk in Hydrology Circle, Water Resources Deptt. Sichai Bhawan, Anisabad, P.S. Gardanibagh, District-Patna.
2. Vinay Nandan Tiwary Son of late Yogendra Tiwary Resident of Village- Sagarpur, P.S. Saveri, District- Madhubani, Presently Posted as Hydrology Division Madhya Water Resources Deptt. Sichai Bhawan, Patna. Initially Joined as worked Charged Survey Khalasi adjusted as peon on 7.12.81 by the order of Asst. Engineer (SPO), Runi Saidpur, Sitamarhi, adjusted against the post of a peon on 7.12.81 appointed as correspondence Clerk on 25.8.82.
3. Pramod Narayan Singh Son of late Dashrath Pd. Singh Resident of Village- Shahjampur, P.S. Uda Kishanganj, District- Madhepura, at Present posted as Typist in the office of Hydrology Circle, Sichai Bhawan, Anisabad, P.S. Gardanibagh, Distt. Patn, Initially joined as work Charged Survey Khalasi on 7.3.73 by the order of Superintendent Engineer, Purnea and then appointed as Typist as per the state Govt. Decision on 5.9.82.
4. Hari Kishore Singh son of late Baldeo Singh Resident of Village- Ram Nagar, P.S. Karpi, District- Arwal, Bihar, Presently Posted as Steno Typist in the office of Director Socio- Economy Environment and cost Appriser , Directorate Sichai Bhawan, Anisabad P.S. Gardanibagh, District-Patna, Initially joined as Survey Khalasi by the order of Executive Engineer and then appointed as Typist on 1.2.82, promoted to Steno Typist on 1.10.82.
5. Yugeshwar Ram son of Late Mahabir Ram resident of Village - Piaria Alawalpur, P.S. Fatuha, District - Patna, joined as Survey Khalasi on 2.1.69 at Dumka by the order of Executive Engineer, appointed as Typist on 1.2.82, promoted to Steno Typist on 1.10, 82 at present posted as Correspondence Clerk in the office of Director, Hydrology Circle, Anisabad, Gardanibagh, Sichai Bhawan, Patna.
6. Sheo Bihari Singh Son of Sri Muni Ram Singh Resident of Village- Basdiha, P.S. Dinara, District- Rohtas at Sasaram, initially joined as Guage Reader at Ranchi (Ghatsila) by order of Executive Engineer on 11.10.74 appointed as Typist on 22.12.81 by the decision of State Govt. Presently Posted in the Office of Director, Hydrology Circle, Water Resource Department, Sichai Bhawan, Anisabd, Patna.
7. Raj Mohan Prasad Karn Son of late Kamodar Prasad Karn Resident of Village Chandheri, P.S.- Sabaur, District- Bhagalpur, at Present posted as Typist in the office of the investigation and Project Preparation Division, Purnea, Initially Joined as Worked



Charge Survey Khalasi on 12.12.72, adjusted on the post of
Typist on 9.9.82 by the decision of the State Govt.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Old Secretariat, Building, Patna.
2. The Secretary-Cum-Commissioner, Irrigation Department (Water Resource), Govt. of Bihar, Sinchai Bhawan, Patna.
3. The Chief Engineer, Water Research Plannint, Water Resources, Sinchai Bhawan, Anisabad, Patna.
4. Chief Engineer, Water Resources, Anisabad, Patna. null null
5. Sri. Arun Chandra Mishra, the Under Secretary, Water Resources, Govt. of Bihar, Sinchai Bhawan, Patna.

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 1023 of 2007

1. Prem Bhushan Kumar Sinha Son of Ram Swaroop Pd. Sinha Resident of Village- Jharokhas, P.S. Ghorasahan, District- East Champaran, by the Order of Executive Engineer, Irrigation at Purnia Initially Joined as Work Charged Survey Khalasi on 17.6.1992 , appointed as correspondece Clerk on 23.12.1981 in the light of State Govt. Decision , At Present Correspondent clerk in Hydrology Circle, Water Resources Deptt. Sichai Bhawan, Anisabad, P.S. Gardanibagh, District-Patna.
2. Vinay Nandan Tiwary Son of late Yogendra Tiwary Resident of Village- Sagarpur, P.S. Saveri, District- Madhubani, Presently Posted as Hydrology Division Madhya Water Resources Deptt. Sichai Bhawan, Patna. Initially Joined as worked Charged Survey Khalasi adjusted as peon on 7.12.81 by the order of Asst. Engineer (SPO), Runi Saidpur, Sitamarhi, adjusted against the post of a peon on 7.12.81 appointed as correspondence Clerk on 25.8.1982.
3. Pramod Narayan Singh Son of late Dashrath Pd. Singh Resident of Village- Shahjadpur, P.S. Uda Kishanganj, District- Madhepura, at Present posted as Typist in the office of Hydrology Circle, Sichai Bhawan, Anisabad, P.S. Gardanibagh, Distt. Patn, Initially joined as work Charged Survey Khalasi on 7.3.73 by the order of Superintendent Engineer, Purnea and then appointed as Typist as per the state Govt. Decision on 5.9.1982.
4. Hari Kishore Singh son of late Baldeo Singh Resident of Village- Ram Nagar, P.S. Karpi, District- Arwal, Bihar, Presently Posted as Steno Typist in the office of Director Socio-Economy Environment and cost Appriser , Directorate Sichai Bhawan, Anisabad P.S. Gardanibagh, District-Patna, Initially joined as Survey Khalasi by the order of Executive Engineer and then appointed as Typist on 1.2.82, promoted to Steno Typist on 1.10.1982.
5. Yugeshwar Ram son of Late Mahabir Ram resident of Village - Piaria Alawalpur, P.S. Fatuha, District - Patna, joined as Survey Khalasi on 2.1.69 at Dumka by the order of Executive Engineer,



appointed as Typist on 1.2.82, promoted to Steno Typist on 1.10, 82 at present posted as Correspondence Clerk in the office of Director, Hydrology Circle, Anisabad, Gardanibagh, Sichai Bhawan, Patna.

6. Sheo Bihari Singh Son of Sri Muni Ram Singh Resident of Village- Basdiha, P.S. Dinara, District- Rohtas at Sasaram, initially joined as Guage Reader at Ranchi (Ghatsila) by order of Executive Engineer on 11.10.74 appointed as Typist on 22.12.81 by the decision of State Govt. Presently Posted in the Office of Director, Hydrology Circle, Water Resource Department, Sichai Bhawan, Anisabd, Patna.
7. Raj Mohan Prasad Karn Son of late Kamodar Prasad Karn Resident of Village Chandheri, P.S.- Sabaur, District- Bhagalpur, at Present posted as Typist in the office of the investigation and Project Preparation Division, Purnea, Initially Joined as Worked Charge Survey Khalasi on 12.12.72, adjusted on the post of Typist on 9.9.82 by the decision of the State Govt.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. A.K.Choudhary, son of not known to the petitioners, Chief Secretary, Bihar, Old Secretariat, Building, Patna.
2. Mr. Ashok Kumar Sinha, son of not known to the petitioners, Secretary-Cum-Commissioner, Irrigation Department, Water Resources, Govt. of Bihar, Sinchai Bhawan, Patna.
3. Mr. Abid Hussain Quaraisi, Son of not known to the petitioners, Chief Engineer, Water Resources, Planning, P.P. Cell, Water Resources, Sinchai Bhawan, Anisabad, Patna.
4. Mr. Ram Kumar Singh, son of not known to the petitioners, Chief Engineer, Water Resources, Anisabad, Patna.
5. Sri. Shiv Sharan Chaoudhary, Son of not known to the petitioners, Deputy Secretary, Water Resources, Govt. of Bihar, Sinchai Bhawan, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1716 of 2005)

For the Petitioner/s : Mr. Dharendra Kumar

For the Respondent/s : Mr. (Sc3)

(In Miscellaneous Jurisdiction Case No. 1023 of 2007)

For the Petitioner/s : Mr. R.Griyaghey

For the Respondent/s : Mr. (Ga5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 18-08-2018

C.W.J.C. No. 1716 of 2005

The learned counsel for the parties are in agreement
that the present case is fully covered by the judgment rendered



by the Hon'ble Apex Court in the case of *Ram Prit Mahto vs. State of Bihar and Ors.* (Civil Appeal No. 6377 of 2014, decided on 08.07.2014) whereby and whereunder the Hon'ble Apex Court has found that the work charge employees who were brought into the regular establishment on class III post cannot be reverted back to the class IV post after lapse of more than two decades.

In view of the aforesaid, the impugned order dated 02.02.2005 passed by the Respondent No. 3 is quashed.

The present writ petition is allowed with a direction to the respondents to grant consequential benefits to the petitioners herein.

MJC No. 1023 of 2007

The learned counsel for the petitioners does not wish to press the present petition.

Accordingly, the present petition is disposed of as not pressed.

(Mohit Kumar Shah, J)

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