

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6388 of 2015

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Parmeshwar Lal S/o- Late Sheo Prasad Lal, Resident of Village- Bartiar, P.S.- Sandesh, District- Bhojpur. At present Mohalla- Birala Colony Phulwarisharif, Patna, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Commissioner Cum Secretary Revenue and Land Reforms Department Govt. of Bihar at Patna.
2. The Commissioner Cum Secretary Revenue and Land Reforms Department Govt. of Bihar at Patna.
3. The Additional Secretary Cum Director Land records and survey Directorate, Bihar, Patna.
4. The Settlement Officer, Survey Settlement Department Baldeo Bhawan , Punaichak, Patna.
5. The Settlement Officer, Bhojpur at Ara.
6. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh
For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-08-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

The writ petition has been filed seeking direction that the services rendered by the petitioner as temporary employee as a General Moharrir in the office of Settlement Officer, Bhojpur, Ara in between 5.12.1964 to 20.5.1967 be counted for the purpose of treating his length of service for grant of benefits for the entire length as service rendered under the Government.

The claim of the petitioner has been rejected on



22.8.2014 by a reasoned order which is impugned in the instant writ proceeding. Additional Secretary -cum- Director Land Records and Survey Directorate, Bihar has considered the matter and came to a finding that the petitioner has not produced any record/document to show that he has worked in the period for which benefits is claimed. No such entry is available in the service book of the petitioner that he has worked in between 5.12.1964 to 20.5.1967. The claim has thus been rejected.

Counsel for the petitioner submits that a certificate in support of the work rendered by the petitioner for the period for which he is claiming benefits was issued by the Assistant Settlement Officer. The same is enclosed as Annexure 2 to the writ petition.

For the same relief the petitioner has been moving again and again. The first writ petition was CWJC No. 11231 of 2002 which was disposed of on 30.1.2009. The said order also records that the respondents have denied their liability as there are no records to sustain such claim of the petitioner. The petitioner has again moved for the same relief in CWJC No. 1764 of 2011 and again the writ petition was disposed of with a direction to the respondents to consider representation of the petitioner.



Ever since 2002 the respondents have maintained a consistent stand that there is no record available to support petitioner's claim for the said period. Certificate allegedly issued by Assistant Settlement Officer was not produced by the petitioner in the earlier two writ proceedings CWJC No. 11231 of 2002 or CWJC No. 1764 of 2011. Even in the instant proceeding, there is no such averment in the writ petition relying upon certificate said to have been issued by Assistant Settlement Officer.

This Court now is not inclined to entertain his claim on the basis of Annexure 2 which has never been placed before the authorities in any of his claims made including the claim which has been decided as per the impugned order dated 22.8.2014.

Rejection is based on consideration of the petitioner's representation which was submitted without enclosing such certificate. There is no record in the office to sustain claim of the petitioner for the said period. This Court would thus find that the petitioner has no enforceable claim and the findings of the Additional Secretary -cum- Director Land Records and Survey Directorate, Bihar, requires no interference.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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