

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6987 of 2015**

Arvind Prasad Singh S/o Ram Lakhan singh resident of Village- Mohsimpur,  
P.O. Ugawan, District Munger.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary Finance Department , Bihar Patna
3. Then Secretary, Rural Works Department, Bihar Patna
4. The Deputy Secretary, Rural works Department , Bihar Patna
5. The Engineer-in-Chief-cum -Special Secretary, Rural works Department, Bihar Patna
6. The Chief Engineer Rural Works Department , Bihar , Patna
7. The Superintendent Engineer , Rural Works Circle , Rural Works Department , Darbhanga.
8. The Executive Engineer , Rural Works Division , Rural works Department, Rosera District Samastipur

... .. Respondents

**Appearance :**

|                      |   |                                                                                              |
|----------------------|---|----------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Anil Kumar<br>Mr. Arun Kumar                                                             |
| For the Respondent/s | : | Mr. Birju Prasad, GP 13, with<br>M/s Amresh, Krishna Murari & Anmol Kumar<br>All AC to GP 13 |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      07-05-2019                      Heard learned Counsel for the petitioner and the  
learned Counsel for the respondent State.

The petitioner complains that he has been prevented from continuing his work as work charge employee with effect from 10.2.2014 by the respondents placing reliance on Finance Department Notifications dated 17.10.2013 and 13.1.2014.

Referring to the said notifications, he submits that the same are not applicable to him since he has been working under



respondent Rural Works Department since much prior to the cut off date 11.12.1990. He submits that he was originally taken into employment of the respondent organisation on 29.9.1989 and, therefore, he cannot be removed on the basis of the said Finance Department notifications which have been relied upon by the respondents.

The petitioner has placed on record his initial appointment dated 29.9.1989 and various other documents in support of his claim. It appears that the issue regarding cut off date in reference to the petitioner's original appointment dated 29.9.1989 was not considered by the respondent authorities. Counsel for the petitioner submits that he would be placing reliance on various orders right from 29.9.1989 and file a comprehensive representation before the Executive Engineer, Rural Works Department Works Division, Rosera for consideration of his claim to be exempted from the effect of Finance Department resolution dated 17.10.2013 and 13.1.2014.

The petitioner should submit his representation to respondent No. 8 within a period of two weeks along with all supportive documents. In the event such an application is submitted, respondent No. 8 should disposed of the same by a reasoned and speaking order in accordance with law and



communicate the same to the petitioner positively within a  
period of eight weeks thereafter.

The writ petition is disposed of.

**(Madhuresh Prasad, J)**

SNkumar/-

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