

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14820 of 2014

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Ram Niwas Pal, son of late Shiv Balak Pal, resident of village - Titai Bigha Mathiya, Post Office Pandui, Police Station Paras Bigha District Jehanabad at present posted in PHE Division, Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Commissioner -cum- Secretary to Government PHED, Vishveshwariya Bhavan, Bailey Road, Patna, Bihar
2. The Chief Engineer (Mechanical), PHED, Bihar, Patna , Bisheshwaraiya Bhavan, Bailey Road, Patna.
3. The Superintending Engineer, P.H.E. Circle, Ara.
4. The Executive Engineer, P.H. Division, Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Lalan Kumar Singh, Advocate
For the Respondent/s : Mr Kumar Sauraw, AC to SC XI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and the respondent-State.

Learned counsel for the petitioner submits that realizing the fact that the petitioner's earlier appointment on compassionate ground in the work charge establishment had wrongly been cancelled, the Commissioner -cum- Secretary had come out with a decision, which is contained in Annexure 3 dated 26.12.2002. Since the Department had examined the claim of the petitioner and all other similarly situated persons, the Commissioner -cum- Secretary had taken a decision that the petitioner's cancellation required relook and they were required



to be put back in service. At that juncture, the petitioner had approached this Court by filing CWJC No 5561 of 2006. This Court, relying upon decision of the Commissioner -cum-Secretary dated 26.12.2002, had directed that the Executive Engineer should comply with the instructions of the Departmental Secretary and appoint the petitioner. He submits that the decision of this Court dated 21.08.2007 amounted to recognition of his earlier appointment which was wrongly cancelled on 27.12.2001.

In the circumstances, claiming parity with other similarly situated, namely, Krishna Kumar Singh as well as Noor Mohammad, whose cases have been decided by this Court earlier, petitioner should be granted the benefits of his past service prior to the order of appointment dated 01.11.2007. It is his submission that he had made his specific claim in this respect, which is Annexure 6 to the writ petition. The respondents, till date, have not disposed of the representation (Annexure 6) and, therefore, a direction should be given to consider the petitioner's claim and while doing so, maintain parity with other similarly situated, namely Krishna Kumar Singh and Noor Mohammad.

Claim of the petitioner (Annexure 6) be considered



and disposed of by respondent No 4 expeditiously, without any undue delay and preferably within three months from the date of receipt/production of a copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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