

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3445 of 2016

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Madan Mohan Rai Son of Sri Krishna Rai Resident of Village Sundarpur P.s
Sakra District Muzaffapur. Petitioner/s

Versus

1. The Union Of India through the Secretary Energy Department, New Delhi
2. The Chief Engineer Electrical E.F. Central Public works Department Nigam Place, Kolkata.
3. The Superintendent Engineer, Central Public works Department Patna central Electrical Division CPWD Punaichak Patna
4. Executive Engineer Electrical , Patna Central Electrical Division C.P.W.D. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the U.O.I : Mr.S.D Sanjay, Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 18-04-2019

Writ petition has been filed seeking issuance of a mandamus to regularize the services of the petitioner. Petitioner is working on muster roll in the Central Public Works Department at the Indian Embassy in Kathmandu since May, 1998. Petitioner has asserted his claim with reference to the office memorandum dated 16.03.2011 issued by the Superintending Engineer (E) i.e., Annexure- 1 to the writ petition.

Respondents have filed their counter affidavit. Drawing attention of the Court towards the said office memorandum it is submitted that only those who had worked for 10 years or more as on 11.12.2006 were entitled to benefits of the said office



memorandum for the purposes of regularization. Since petitioner's engagement on muster roll is with effect from May, 1998, he had not completed 10 years on 11.12.2006 i.e., the cut of date and as such the claim of the petitioner under office memorandum dated 16.03.2011 is not admissible. The stand of the respondent Union of India is correct from a bare perusal of the office memorandum dated 16.03.2011.

Other aspect of the matter is that for the last about 19 years the respondents have been taking services of the petitioner on daily wages on muster roll. In the circumstances this Court would only observe that the petitioner would be entitled to assert some additional benefits on account of such past service as and when steps are taken for appointment.

Writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

