

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18435 of 2014

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Md. Moin Son of Late Abdul Gaffur, A Resident of Village - Sabutter, P.S. -
Kritya Nand Nagar, District- Purnea ... Petitioner

Versus

1. The State of Bihar.
 2. Principal Secretary, Department of Rural Works Government of Bihar, Patna.
 3. Under Secretary Department of Rural Works, Government of Bihar, Patna.
 4. Superintending Engineer Rural Works Department Works Anchal, Kishanganj
- 1.
 5. Executive Engineer Rural Works Department, Works Division Kishanganj-1.
 6. District Magistrate, Kishanganj District, Kishanganj.
 7. Establishment Deputy Collector Kishanganj. Respondents
- =====

Appearance :

For the Petitioner/s : Mr.Rajni Kant Jha, Advocate
For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 07-01-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The writ petition has been filed by the petitioner claiming a declaratory nature of relief. The petitioner has prayed that this Court should declare that the service of the petitioner cannot be terminated by oral order. Further assertion has been made that the petitioner has been terminated from service on 11.9.2014 after 21 years of continuous satisfactory service as Roller Khalasi in the Work Charge Establishment.

Supplementary counter affidavit has been filed, respondents in paragraphs 5 and 8 of the supplementary counter affidavit have specifically stated that no order of removal of the petitioner has ever been passed. Respondents have taken



specific stand that the submission of the petitioner is wrong that he has been removed from service by oral order. There is no dismissal order of the petitioner. However, stand has been taken that the petitioner was appointed as Work Charge Employee, so salary and other consequential benefits are payable to him but as there is no provision of providing retiral bnefits to the Work Charge Employee, the same is not payable to the petitioner.

No re-joinder or reply has been filed disputing such assertion though copy of the supplementary counter affidavit has been served on the petitioner on 21.12.2018. Since stand of the State is undisputed and there is no order of termination against the petitioner, there is no scope to issue any order in favour of the petitioner.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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