

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1317 of 2016

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1. Raja Ram Thakur and Anr Son of Late Ayodhya Thakur resident of village - Shahpur, P.S. Bikram, District - Patna
 2. Rajendra Kumar Son of Late Ram Dayal Sharma resident of village - Sattar, P.O. Sarai, P.S. Maner, District - Patna

... .. Petitioners

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna
4. The Chief Engineer Mechanical , Irrigation, Water Resources Department, Patna
5. The Superintending Engineer Mechanical , Irrigation, Water Resources Department, Patna
6. The Executive Engineer, Field Machinery, Machinery Division, Bhagalpur under Water Resources Depart
7. Executive Engineer, Mechanical , Irrigation Machinery Division, Baunsi, Banka Under Water Resourc

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Atul Kumar Pandey
		Mr. Tara Nath Jha
For the Respondent/s	:	Mr.Anuj Kumar, AC to GP 24

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-01-2019 Heard learned Counsel for the petitioners and the learned Counsel for the respondent State.

Counsel for the petitioners submits that in view of demise of petitioner No. 2 on 11.1.2016 during pendency of the instant writ proceedings the legal heirs of respondent No. 2 may be substituted in the instant proceedings. Details of the legal heirs are mentioned in para 1 of I.A. No. 2418 of 2016 (re-numbered as I.A. No. 1 of 2016).

In view of nature of the order that the Court proposes to pass there is no requirement at the moment for allowing the said substitution.

The undisputed position is that for the retrospective



benefits of regularisation/absorption and consequential benefits arising therefrom are claimed in the instant writ proceedings. The petitioners have alleged that though they have been working on daily wage basis since 1980-81 and subsequent thereto in the capacity of work charge employee, their claim for regularisation/absorption has been ignored and their juniors have been granted the same benefits.

The petitioners have never approached any authority in respect of their claim and rushed directly to this Court.

Faced with such difficulty, Counsel for the petitioners submits that the petitioners would be approaching respondent No. 4, Chief Engineer (Mechanical) Irrigation, Water Resources Department, Patna in respect of their claim.

If such a representation is filed by the petitioners or their legal heirs within a period of four weeks from today, respondent No. 4 should consider the same by a reasoned and speaking order in accordance with law and dispose of the claim within a period of three months thereafter.

The writ petition is disposed of with the liberty as aforesaid.

(Madhuresh Prasad, J)

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