

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3322 of 2018

In
Civil Writ Jurisdiction Case No.20136 of 2014

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Birendra Singh S/o Late Bharat Singh resident of Village- Barap, P.O. Bargawa, P.S. Garahani, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Arun Kumar Singh, At Present The Principal Secretary and Ors S/o Not known, Water Resources Department, Bhojpur (Bihar).
2. Mr. Rakesh Mohan S/o Not known at present the Deputy Secretary cum-Joint Secretary Water Resources Department, Bihar and Patna.
3. Mr. K.N. Lal S/o not known at present the Chief Engineer (Mechanical) Water Resources Department, Patna.
4. Mr. Shivendra Sharma S/o not known at present the Executive Engineer, Digha Mechanical Division Digha, District- Patna (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the Opposite Party/s	:	Mr.Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 08-05-2019

Heard parties.

2. This contempt petition has been filed by the petitioner for initiation of contempt proceeding against opposite party for wilful and deliberate violation of order dated 23.02.2018 passed by this court in C.W.J.C. No. 20136 of 2014.

3. Petitioner had approached this court for regularization of his services in regular establishment as he was appointed on 02.01.1991 under the work charge establishment.

4. Petitioner was initially appointed as daily wager in



1982 and thereafter was appointed on 02.01.1991 on regular basis in work charge establishment. Petitioner was reverted on the post of daily wager from 27.07.1993 and in pursuance of order dated 01.02.1996 passed in C.W.J.C. No. 8397 of 1995 petitioner filed a detailed representation before the Chief Engineer for consideration of his case for regularization. The writ petition of petitioner was disposed of with a direction to the opposite party no. 3-Chief Engineer (Mechanical), Water Resources Department, Patna, to consider the representation of petitioner and to pass a speaking order in respect of regularization under regular establishment as petitioner claims to be working under work charge establishment since 1982 and persons junior to him were regularized.

5. Show cause has been filed on behalf of opposite party nos. 1 and 3 in which it has been stated that in compliance of the order passed by this court, the representation of petitioner was rejected by a speaking and reasoned order as directed by this court and as such there has been full compliance of the order passed by this court as there was only direction to consider the representation of petitioner and thereafter to pass a speaking and reasoned order on such representation of petitioner for his regularization in regular establishment. There was no direction



to regularize the service of petitioner.

6. Having heard the parties and considering the show cause filed on behalf of opposite party nos. 1 and 3, this court finds that only direction which was issued by this court was for considering the representation of petitioner and pass a reasoned and speaking order which has been complied by the opposite parties, as such direction issued stands complied.

7. The contempt petition is disposed of with liberty to petitioner that if he is aggrieved by the order dated 25.7.2018 as contained in Annexure- B passed by the Chief Engineer (Mechanical), Department of Water Resources, Government of Bihar of show cause filed by opposite party no. 3, he can challenge the same in accordance with law.

8. The contempt petition is disposed of with the aforesaid liberty to the petitioner.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

