

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15002 of 2019

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Parshuram Sah Son of Bhola Sah Resident of Village- Naya Tola, Keshopur,
P.O. Ramchandrapur, P.S. Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Bhagalpur.
5. The Superintending Engineer, Water Resources Department, Irrigation Circle, Kharagpur, District- Munger.
6. The Executive Engineer, Water Resources Department, Ganga Pump Canal Division, Suryagarha, Camp- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-08-2019

The claim of the petitioner for being absorbed against the vacant/sanctioned post in Ganga Pump Canal Division, Suryagarha has been rejected and the petitioner along with others has been removed from service after providing him with one month's remuneration.

2. In accordance with the judgment delivered in

State of Karnataka versus Uma Devi, AIR 2006 SC



1806 and other judgments of this Court, as a one time measure, the cases of the petitioner and others were considered for being absorbed. Considering the vacancy position, persons whose names fell in the panel between 1 to 11 were absorbed against the vacant/sanctioned post whereas persons whose names fell in the panel between 12 to 21 were directed to be removed. The name of the petitioner has fallen in the panel at serial No. 16.

3. The learned counsel for the petitioner submits that many other posts are vacant, which posts are sanctioned as well. Some of the seats which were earlier occupied by the employees have become vacant because of their death, retirement or their having relinquished their job.

4. Under similar circumstances, some of the employees had approached this Court in C.W.J.C. No. 7317 of 2015 seeking a direction to the respondents to absorb them against the vacant/sanctioned post of the



project and a Bench of this Court vide order dated 14.05.2019 directed those persons to make a representation before the Chief Engineer, Water Resources Department, Bhagalpur for redressal of their grievances.

5. It has been submitted on behalf of the petitioner that he too be permitted to make a representation as others. The basis for the aforesaid submission is the instruction to the petitioner that seats are still vacant and it is a wrong statement on behalf of the department that all seats have been filled with the candidates falling in such panel which was considered for such appointment/absorption.

6. Considering the aforesaid facts but without expressing any opinion on the merits of the claim of the petitioner, the petitioner is also directed to make a representation before the Chief Engineer, Water Resources Department, Bhagalpur (respondent No. 4) within a period of four weeks from today. On receipt of



such representation, the claim of the petitioner shall be examined and necessary orders shall be passed by the aforesaid respondent within a further period of eight weeks thereafter.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07/08/2019

