

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1602 of 2018

In

Civil Writ Jurisdiction Case No.7999 of 2018

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Md. Abdul Jabbar @ Md. Abdul, Son of K.R. Nayar, Resident of Itype Colony, Room No. 12, Koshi Yojana, P.O. + P.S. Birpur, District - Supaul

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Patna Secretariat, Patna
2. The Chief Engineer (Mechanical) Water Resources Department, Patna Secretariat, Patna
3. the District Magistrate, Supaul
4. the District Deputy Magistrate, Establishment, Supaul
5. The Superintending Engineer, (Mechanical), Irrigation Engineering circle, Muzaffarpur
6. The Executive Engineer (Mechanical) Engineering Division No. 2, Koshi Yojana, Birpur, District Supaul
7. The Assistant Engineer (Mechanical) Central Workshop, Koshi Yojana, Birpur, District Supaul
8. The Superintending Engineer (Mechanical) Circle, Koshi Yojana, Birpur, District Supaul

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kritya Nand Jha
For the Respondent/s : Mr.Anjani Kumar- Aag4

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 09-01-2020

Heard the parties.

The appellant is aggrieved by the order dated 01.10.2018 passed in C.W.J.C. No. 7999 of 2018 by which and whereunder learned Single Judge dismissed the above stated C.W.J.C. No. 7999 of 2018 on the ground of delay and laches as



well as on merit.

The appellant filed above stated C.W.J.C. No. 7999 of 2018 seeking issuance of writ of mandamus to direct the concerned authorities to redress the grievance of the appellant regarding his regularisation of service in light of memo No. 60 dated 8.1.2018. The appellant was retrenched from the service in the year 1988 and after retrenchment, he prayed before concerned authorities to regularise his service in the light of decision of the Government but no decision was taken on the representation of the appellant as yet, thereafter, he approached this Court, firstly, in the year 2010 by filing C.W.J.C. No. 13990 of 2010 but, subsequently, he withdrew the aforesaid writ petition with liberty to pursue his case before appropriate forum. However, in the year of 2018, the concerned Chief Engineer sought an explanation from his juniors as to why the matter of the appellant is still pending and as to under which circumstances the services of juniors to the appellant have been regularised.

The appellant again filed C.W.J.C. No. 7999 of 2018 but the said writ petition stood dismissed passing the impugned order.

Learned counsel appearing for the appellant submits



that the learned Single Judge failed to take note of this fact that the appellant had not prayed before this Court for regularisation of his service rather he had only prayed for issuance of direction to concerned authorities to pass appropriate order on the representation petition of the appellant.

On the other hand, learned counsel appearing for State submits that the appellant came before this Court for regularisation of his service after more than 30 years and, moreover, admittedly, presently, appellant is not in service and, therefore, the question of regularisation of the service does not arise.

Having heard the contentions of the parties, we went through the records.

It is admitted position that the appellant was retrenched from service in the year 1988 and uptill now, the matter of regularisation of service of appellant is pending before the competent authorities and no order has been passed on the representation of the appellant as yet.

Therefore, in the aforesaid circumstance, this Letters Patent Appeal stands disposed of with direction to respondents, particularly, respondent No. 8 to dispose of the representation, if any, of the appellant in accordance with law within three months



from the date of receipt / production of copy of this order and in the aforesaid manner the impugned order dated 1.10.2018 passed in C.W.J.C. No. 7999 of 2018 stands modified to the above extent.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.01.2020
Transmission Date	NA

