

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3611 of 2007

Umesh Prasad Jha, S/o Sri Ramakant Jha, Resident of Village Mirnagar, P.S. Sarmera, District Nalanda. Presently Anusevak Executive Engineer Field Machinery Division, Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner-cum-Secretary, Water Resources Department, Government of Bihar, Patna
2. Additional Secretary, Water Resources Department, Government of Bihar, Patna
3. Deputy Secretary, Water Resources Department, Government of Bihar, Patna
4. Chief Engineer (Mechanical), Water Resources Department, Government of Bihar, Patna
5. The Executive Engineer, Field Machinery Division, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. T.N. Jha, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, Sr. Advocate, GA-8 Mr. Upendra Kumar Singh, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-11-2021 The petitioner and several other daily wages workers filed separate writ applications for regularization of their services in irrigation department whereunder they were working under the work-charge establishment. The writ petitioners did not get any relief from the Court. Thereafter they challenged the said orders in intra-Court appeals.

Some of the writ petitioners challenged the order of the writ Court in L.P.A. No. 274 of 1996 and other connected LPAs which were disposed of on 18.09.1996 vide order at Annexure-5. The LPA Court concluded as follows:-

“We, accordingly, dispose of these



appeals with a direction that the appellants and all other similarly situated employees should be paid their salary in the lower stage of the time scale of pay admissible to the respective posts on which they are working. The appellants will receive their salary in the time scale of pay on the date of filing of the writ petitions.

These appeals are disposed of with the aforesaid directions.”

In the light of aforesaid order dated 18.09.1996, the LPA of the petitioner bearing LPA No. 958 of 1996 was disposed of along with other LPAs on 15.10.1996 vide order at Annexure-4.

2. This writ application has been filed for following reliefs:-

(i) For refixing the pay of the petitioner in the scale of the pay of Rs.775-1025 according to the rule fixation of pay and increment and after his so fixed for payment of arrears of pay and allowance after quashing the order dated 6/1/98 issued by respondent no. 4.

(ii) For payment all consequential benefits including allowance as admissible to the forth grade employees in accordance with law.

(iii) For giving effect to the order passed in L.P.A. No. 958 of 1996 in respect of the petitioner from the date of filing of



C.W.J.C. No. 7400/93.

(iv) For making the payment of salary in time scale of pay from 27/6/95 to 22/8/95 treating the petitioner's continuous in service as before 27.06.1995.

3. The only question raised in this writ application is whether the order of the LPA Court dated 18.09.1996 would be effective from the date of filing of the first writ application or from the date of filing of the writ application, order whereof was challenged in LPA No. 274 of 1996.

4. This clarification can only not be made by a separate Writ petition. Therefore, this writ application stands disposed of as devoid of any merit.

(Birendra Kumar, J)

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