

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10424 of 2020**

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Virendra Kumar Son of Late Nand Ram resident of Mohalla- Subhash Nagar,  
Khemnichak, P.O. Jaganpura, P.S. Ram Krishna Nagar, District- Patna- 27.

... .. Petitioner/s

Versus

1. The State of Bihar through the Engineer-in- Chief-cum- Special Secretary,  
Public Health Engineering Department, Nirman Bhawan, Bailey Road,  
Patna- 800015.
2. Superintending Engineer, (Public Health Design and Planning), Public  
Health Engineering Department, Circle No- 01, at present Bihar Rajya Jal  
Parshad (Dissolved), Bihar Urban Infrastructure Development Co. Ltd.  
(BUIDCO), Ganga Project Circle No.- 01, West Boring Canal Road, Rajapur  
Pull, P.S. Budha Colony, Patna- 800001.
3. General Manager (Admin), Bihar Urban Infrastructure Development Co.  
Ltd. (BUIDCO) West Boring Canal Road, Rajapur Pull, P.S. Budha Colony,  
Patna- 800001.
4. Managing Director, Bihar Urban Infrastructure Development Co. Ltd.  
(BUIDCO) West Boring Canal Road, Rajapur Pull, P.S. Budha Colony,  
Patna- 800001.
5. Principal Secretary, Urban Development and Housing Department, Govt. of  
Bihar, Vikas Bhawan, Bailey Road, Patna- 800001.

... .. Respondent/s

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**Appearance :**

|                      |   |                                          |
|----------------------|---|------------------------------------------|
| For the Petitioner/s | : | Mr. Prakash Kumar, Advocate              |
| For the Respondent/s | : | Mr. Rajiv Roy, GP 1                      |
|                      | : | Mr. Rabindra Kumar Priyadarshi, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 25-01-2022**

The matter is heard via video conferencing due to  
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the  
following relief/reliefs:

“i. For issuance of writ in the nature of writ of  
mandamus directing the respondents to pay to the petitioner  
the salary for the month from February 2020 up-till-now as the



petitioner is working continuously on the post of Peon in the office of the Superintending Engineer, PHED (respondent no. 2)

ii. For direction to the respondents particularly the respondent no. 3-G.M. (Admin), BUIDCO to issue a copy of office order no. 124 dated 22.04.2020 (Annex-1 to the present application) by which the service of the petitioner has been transferred from his present place of posting i.e. in the office of the Superintending Engineer, PHED, Circle No. 1 (respondent no. 2) to BUIDCO headquarters (respondent no. 3) at Rajapur Pull, Patna and further to issue relieving letter from the office of respondent no. 2 to the petitioner so that the petitioner may get relieved and join at the place of transfer.

iii. For grant of any other relief or reliefs as made available to the petitioner as per the law.”

3. Petitioner has filed Interlocutory Application seeking certain additional relief. During pendency of the present petition, the petitioner’s main relief has been set right in providing arrears of salary for which present petition is filed.

4. Learned counsel for the petitioner submitted that the petitioner has been ousted from the parent department and asking the petitioner to work in Bihar Urban Infrastructure Development Corporation Limited (for short “Corporation”). There is no challenge to the deputation to the Corporation. In the absence of challenge to the deputation order, the petitioner is not entitled to relief as addressed by the learned counsel for the petitioner.

5. In the light of above facts and circumstances, present petition stands disposed off, reserving liberty to the petitioner to claim difference of salary in the event of petitioner is exonerated in the disciplinary proceedings. If he is punished, in that event the



authority is hereby directed to regulate the period in accordance with law within a period of three months from the date of conclusion of the enquiry.

6. The disciplinary authority is hereby directed to complete the enquiry proceedings within a period of two months from today. The appointing authority who has deputed the petitioner’s service to Corporation is hereby directed to examine whether Peon services could be drafted to Corporation or not? If it is not in accordance with law, necessary order shall be passed and communicated to the petitioner.

**(P. B. Bajanthri, J)**

GAURAV S./-

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