

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3265 of 2021

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Gokhul Bahadr KC Son of Late Mohan Bahadur KC Resident of Bhuarjan Office, Koshi Yojana, Virat Nagar, Nepal, At present- Virat Nagar, Maha Nagarpalika, Ward No. 12, Nepal, P.O.- Virat Nagar, P.S.- Rani Virat Nagar, Distt- Virat Nagar, Nepal, Head Works Division Virpur, Dist- Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Birpur, Distt- Supaul.
4. The Superintending Engineer, Barrage Circle, Birpur, Distt- Supaul.
5. The Executive Engineer, Head Works Division, Birpur, Distt- Supaul.
6. Shri Kishan Kumar, Senior Geep Driver, Easter Embankment Division, Purvottar Barrage Pramandal, Virpur, Distt- Supaul.
7. Shri Achyutanand Bhata Rai, Amin, Easter Embankment Division, Purvottar Barrage Pramandal, Virpur, Distt- Supaul.
8. Md. Nissar Ahmad, Chain Man, Easter Embankment Division, Purvottar Barrage Pramandal, Virpur, Distt- Supaul.
9. Shri Sanjay Bhata Rai, Chain Man, Easter Embankment Division, Purvottar Barrage Pramandal, Virpur, Distt- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh
For the Respondent/s : Mr. Kunal Tiwary

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 29-01-2022

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 following reliefs:

“1 (i) That in the instant writ application the petitioner inter-alia prays



for regularization of service since 22.10.1984, promotion, grade pay scale, all A.C.P., full gratuity and full pension calculating 39 years service. Since the petitioner was appointed as a Chain Man on 18.08.1980 in Koshi Yojana Virat Nagar, Nepal and promoted to the post of Amin on 01.06.1988 in the office of Executive Engineer, Head Works Division, Koshi Barrage, Water Resources Department, Birpur, Distt.- Supaul, the Govt. of Bihar, Patna.

(ii) To direct the respondent to regularize his service since 22.10.1984 like his other colleagues and juniors (a) pension should be fixed 35,000/- thousand per month or more than that (b) commutation out of 867253=00 Rs. only 520382=00 Rs. is give, 346871=00 Rs. is due. (c) Gratuity out of 85135=00 Rs. only 309582=00 Rs. is given, 541768=00 Rs. is due (d) from 09.08.199 1st A.C.P. and second A.C.P. should be given (f) from date 01.01.2009 M.A.C.P. should be given. But due to delay in regularization from 30.09.2014 all benefits have been affected.

(iii) To any other relief or reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Learned counsel for the State, on instruction, submitted that petitioner's service was regularized on 30th September, 2014 with a particular date.

4. According to the learned counsel for the petitioner it is a disadvantage date and it is a discrimination among others.

5. The petitioner has not questioned the validity of



earlier regularization order dated 30th September, 2014 to the extent date of regularization assigned. As long as date of regularization is not questioned and seeking for earlier date. The present petition for issuance of writ of mandamus is not warranted unless and until date of regularization mentioned in the order dated 30th September, 2014 is challenged. The petitioner is not entitled to any other date of regularization and consequential benefits. Thus, the petitioner has not made out a case.

6. Accordingly, the instant petition stands dismissed reserving liberty to question earlier date of regularization and seeking alternate date of regularization.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

