

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.504 of 2018

In

Civil Writ Jurisdiction Case No.18767 of 2008

Devendra Kumar Bharti, s/o Late Rajeshwar Bharti Vill.- Godna Sheopuri
(Mathia) Revilganj, P.O. and P.S.- Revilganj, Distt.- Saran

... .. Petitioner/s

Versus

1. Sri Arun Kumar Singh S/o Name not known Principal Secretary, Water Resource Department, Patna
2. Sri Ram Pukar Ranjan S/o name not known to the petitioner Chief Engineer, Central Design Research and Quality Control, Water Resources Department, Anisabad, Patna-2
3. Sri Dinesh Kumar Choudhary S/o name not known to the petitioner Superintending Engineer, Quality Control, Irrigation Creation Circle, Anisabad, Patna-2
4. Sri Ranjit Singh S/o name not known to the petitioner Executive Engineer, Quality Control, Irrigation Creation, Division Siwan, Water Resources Department, Siwan
5. The Deputy Secretary Personnel and Administrative Reforms Department, Govt. of Bihar, patna
6. Sri Amir Subhahani S/o name not known to the petitioner Principal Secretary, Personnel and Administrative Reforms Department, Bihar, Patna
7. The State of Bihar through Sri Arun Kumar Singh, Principal Secretary, Water Resources Department, Govt. of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tara Nath Jha, Advocate
For the Opposite Party/s : Mr.Vinay Kirti Singh, Sr. Advocate
Mr. Murlidhar Mishra, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

6 07-12-2022 Heard learned counsel for the parties.

Present application has been filed for convicting the opposite parties for violating the judgment and order dated 23.11.2017 passed by the learned Single Judge in C.W.J.C.No. 18767 of 2008, titled as **Devendra Kumar Bharti Vs. The**



State of Bihar & Ors.

The operative portion of the order, subject matter of the present application, reads as under:-

“In view of the above, the reason assigned by the Committee is not sustainable and the same is quashed. The matter is remanded back for fresh consideration with a direction that the Committee will consider about the period of work done by the petitioner, whether any person other than the petitioner was driving the jeep or whether there is any allegation made against the petitioner. If the answer comes in favour of the petitioner, certainly he is entitled to the benefit of regularization. This Court directs that all process must be completed within a period of one month from the date of receipt/production of a copy of this order.

If the petitioner has been discharging the duty, long line of judgments favour for minimum scale of pay and that should be paid to the petitioner till regularization.”

We clarify that while disposing of the main matter, the Court had neither determined nor adjudicated the petitioner's right. Only direction was consideration of the petitioner's request for regularisation in accordance with law.

Noticeably, on 2nd July, 2018, the respondents took a conscious decision, accounting for the entire material, rejecting the petitioner's claim. It is only under the threat of contempt and



out of difference to this Court that the respondents, during the pendency of the present petition, as per order or direction given by this Court on 28th July, 2022, reconsidered the matter and passed a fresh order on 11.10.2022 and 15.10.2022 on similar lines, though be it for whatever reason, according certain benefits of regularisation to the petitioner. Why such benefits were accorded, is not borne out from the record.

Be that as it may, this Court is of the firm view that there was no intent to violate the order passed by this Court for in the absence of determination and adjudication of the petitioner's right, it cannot be said that the respondents have committed any contempt.

As such, present application stands disposed of reserving liberty to the petitioner to agitate the issue, should the need so arise.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

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