

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18500 of 2018

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1. Engineering Services Coordination Committee Son of Sri Prabhakar Thakur resident of Panchwati Colony, Behind M.P.S. Science College, Majhaulia, P.S. -Sadar, District- Muzaffarpur.
 2. Lakshmi Kant Thakur, Son of Sri Prabhakar Thakur resident of Panchwati Colony, Behind M.P.S. Science College, Majhaulia, P.S. -Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
3. The Joint Secretary Management, Water Resources Department, Government of Bihar, Patna.
4. The Director Chief Engineer, Water and Land Management Institution WALMI, Patna.
5. Superintending Engineer, CAD Directorate, Water Resources Department, Sichai Bhawan, Patna.
6. Superintending Engineer, Command Area Development Circle, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha, Advocate

For the State : Mr. Sanjay Prasad (AC to AAG-4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 05-10-2023

Heard learned counsel for the petitioners and
learned counsel for the State.



2. Learned counsel for the petitioners has filed this writ petition for quashing the order communicated through letter No. 473 dated 28.08.2018 as regards item No. 4 by which it has been directed that the officers from the rank of Superintending Engineer to Assistant Engineer, who are posted/deputed in additional charge in different CADA, will join/take charge on their original post on 01.09.2018 which amounts to demotion of the members of the petitioners' association. The further prayer has been made to command the respondent to permit the members of the petitioners' association to join on the post on which they are working and further to consider their case for regular promotion and to promote them on a regular basis on the post of Assistant Engineer on which post they are working for more than 20 years. Further prayer has been made to make payment of the difference of salary of the post of Assistant Engineer from the date they joined the said post.

3. Learned counsel for the petitioners fairly submits that prior to filing this writ petition, the petitioner had filed another writ petition bearing CWJC No. 14214 of 2006 and CWJC No. 2706 of 2005 in which liberty was granted to them to approach the concerned authorities for appropriate relief in



case they are interested.

4. Learned counsel for the petitioners submits that the petitioners have filed a representation before the authority concerned vide Annexure-12 dated 30.08.2018, but till date no decision has been taken by the respondent authorities on the representation filed by them. Counsel further submits that in the present writ petition, a letter issued in the year 2018 has been challenged i.e. Annexure-11 but issues directly and substantially in the earlier writ and in the present writ are identical.

5. Learned counsel for the State submits that till date, no order has been passed on the representation of the petitioners since the petitioners have preferred a fresh writ.

6. In that view of the matter, this writ petition is hereby allowed directing respondent No. 4, namely, the Director (Chief Engineer), Water and Land Management Institution (WALMI), Patna to pass a reasoned and speaking order considering all the grievances of the petitioners upon receipt of a fresh representation within 60 days along with a copy of this order. However, the petitioners shall be at liberty to challenge the said order if not satisfied including all matters relating to payment of salary for the period they claimed to



have worked in their representation.

7. With this observation and direction, this present writ petition stands allowed.

(Dr. Anshuman, J.)

Divyansh/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	06.10.2023
Transmission Date	

