

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4783 of 2023

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Munna No. 2 @ Munna Ram @ Munna, Son of Late Nathuni Ram, Resident of Ambedkar Colony Pani Tanky, P.S. Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Road Construction Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Road Construction Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, N.H. Road Construction Department, Govt. of Bihar, Patna.
5. The Executive Engineer, N.H. Path Division, Gulzarbagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Md. Anisur Rahman, Advocate

For the State : Md. Zeeshan Kalim, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-09-2023 1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner entered service in the Road Construction Department, National Highway Division as daily wager on 23-10-1983. He came in the work charge establishment with effect from 08-06-1988 . He thereafter was terminated on 15-09-2010. Certain persons had been reinstated vide Office Order dated 24-04-2015 (Annexure- 5). The petitioner claims parity with those persons and filed a



writ petition for enforcing his claim vide *C.W.J.C. No. 7035 of 2011*. This Court found that the order dated 24-02-2015 was issued in compliance of certain directions passed in *C.W.J.C. No. 15879 of 2005*, and therefore, the petitioner could not claim benefit of the scheme. The petitioner, however, was allowed to file a representation, without expressing any opinion on the merits of the petitioner's claim. The writ petition filed by the petitioner was thus disposed of vide dated 11-02-2019. The petitioner, thereafter, filed a representation which has been rejected on 06-08-2019. The said decision is sought to be assailed by filing the instant writ petition in March, 2023, more than three and half years after the disposal of petitioner's representation. The writ petition, therefore, in the opinion of this Court suffers from the vice of delay and laches.

3. The order rejecting the petitioner's representation also manifest consideration of his claim. The Engineer-in-Chief in the impugned order dated 06-08-2019 has found the petitioner's claim not to be at par with the beneficiaries of the letter dated 24-02-2015. The Engineer-in-Chief has found that the beneficiaries of letter dated 24-02-2015, were the writ petitioners of *C.W.J.C. No. 3163 of 1991*.



They still had not been extended the benefit of the said order, and therefore, this Court in the writ proceedings arising out of the subsequent writ petition filed by those petitioners, namely, *C.W.J.C. No. 15879 of 2005* had passed certain orders in compliance of which the letter dated 24-02-2015, had been issued reinstating those persons. The petitioners, on the other hand, were not petitioners of *C.W.J.C. No. 3163 of 1991*.

4. Another distinction considered by the Engineer-in-Chief is that the petitioner's of *C.W.J.C. No. 15879 of 2005* had approached this Court for the relief of relaxation at least five years prior to their being terminated in the year 2010. The present petitioner's on the other hand, had approached this Court in the year 2011 by filing *C.W.J.C. No. 7035 of 2011*. It has also been considered that the petitioners are not in a position to claim reinstatement in terms of the Finance Department, Resolution dated 17-10-2013, as the same came into existence much after the petitioners had been terminated from the work charge establishment.

5. In view of such consideration by the Engineer-in-Chief, this Court would find the order of the Engineer-in-Chief suffers from no infirmity and requires no inference at this belated state.



6. Writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

Shashank/
Raj Kishore/-

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