

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11548 of 2015

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Sheopujan Sah Son of Late Ramdhani Sah Resident of Village- Sabdalpur,
P.S.- Balia, District- Begusarai at present residing of Mohalla- Modinagar,
Rajnath Colony, Koeli Road, P.S.- Mujahidpur, Town and District- Bhagalpur,
Ex- Work-charge Roller Khalasi, Office of the Executive Engineer,
Department of Rural Works, Work Division, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Secretary, Department of Finance, Govt. of Bihar, Patna.
3. The Deputy Secretary, Department of Rural Works, Govt. of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Division, Bhagalpur.
5. The Executive Engineer, Department of Rural Works, Works Division, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amar Nath Mishra, Advocate
For the Respondent/s : Mr.Gautam Bose, AAG-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-08-2023 1. The present writ petition has been filed
seeking the following reliefs:-

*“1.For issuance of appropriate writ,
order/ direction in the nature of
Certiorari for quashing the order
dated 28.5.2014 (Annexure-10)
contained in letter No. 568 (Anu)
issued by the Superintending
Engineer, Department of Rural
Works, Works Division, Bhagalpur
(Respondent No. 4) addressed to
the Executive Engineer, Department*



of Rural Works, Works Division, Bhagalpur whereby and whereunder the service of the petitioner was terminated from post of Work Charged Road Roller Khalasi with immediate effect in view of office order No. 8/A .Pra. 30/2014-1247 Anu. dated 31.1.2014 (Annexure-9) without giving show cause notice to the petitioner at no point of time although he was regularized in work charged establishment, a permanent establishment of the State Government w.e.f. 22.8.1991 on Pay Scale fixed and revised from time to time by the Department of Rural Works and any action contrary to principle of Service law by the Respondents is arbitrary and unauthorized in law.

(ii) For Issuance of appropriate writ, order/ direction in the nature of Certiorari for quashing of order dated 31.1.2014 contained in office order No. 8/30/2014-1247 (Annexure-9) issued by the Under Secretary, Department of Rural Works, Govt. of Bihar in respect of the petitioner whereby the service



of the petitioner and others who were appointed in the work charge establishment having his service no more required after giving and issuing notices to the delinquent employee.

(iii) For issuance of appropriate writ/ order/ direction in the nature of Mandamus commanding the Respondents for reinstatement on the post of work charged Roller Khalasi and regularize his services in regular establishment as Group 'D 'employee on any post as he had initially been appointed as Roller Khalasi on 27.3.1981 on muster Roll against vacant and sanctioned post by the order of the Superintending Engineer, Department of Rural Works, Works Division, Bhagalpur and since then working continuously and regularized as work charged Roller Khalasi in work charge Establishment on 22.8. 1991 by order of the Superintending Engineer, Bhagalpur and thereafter continuously working without interruption till the date of his termination of service rendering



about 33 years of his length of services.

(iv) For issuance of appropriate writ, order/ direction in the nature of Mandamus commanding the Respondents to regularize his services in regular Establishment as he had appointed as master Roll Roller Khalasi on or before the cutoff date i.e. 1.8.1985 determined by Notification dated 11.6.1986 and even before amended cutoff date i.e. 11.12.1990 vide circular No. 489 dated 10.5.2005 issued by the State Government and regularized in work charge Establishment as work charged Roller Khalashi on 22.8.1991 Superintending Engineer, vide by the circular issued from time to time vide Memo No. 1344 dated 4.2.1949 issued by the Finance Department, Bhagalpur under Article 309 of the Constitution adopted as Rule 59 of P.W.D. Code."

2. At the outset, the learned counsel for the petitioner submits that though it is true that vide notification dated 17.10.2013 issued by the Additional Secretary, Finance Department,



Government of Bihar, Patna, all the work charge employees, who were appointed after 11.12.1990, are required to be removed from service, in view of completion of the scheme in question and there being no requirement of personnel, however, it is submitted that pick and choose method has been resorted to by the respondents inasmuch as the persons who were appointed much after the petitioner have been regularized.

3. In view of the aforesaid, the Ld. Counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent authorities for redressal of his grievances regarding non-regularization of his services, by producing proof before the respondents regarding regularization of the services of such persons who have been appointed after the petitioner. Liberty, so sought, is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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