

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11549 of 2012

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Baliram Yadav, Son Of Late Ganesh Yadav Resident Of Vill. P.O.- Areraj,
P.S.- Govindganj, District- East Champaran Motihari

... .. Petitioner/s

Versus

1. The State of Bihar and ORS Govt. Of Bihar, Patna
2. The Secretary, Department Of Personnel and Admn. Reforms, Govt. Of Bihar, Patna.
3. The Zonal/Regional Development, Commissioner-Cum-Chairman, Gandak Command Area, Development Gada, Muzaffarpur
4. The Sub-Divisional Officer S.D.O. Gada, Muzaffarpur
5. The District Magistrate, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kameshwar Singh, Advocate
For the State	:	Mr. Manish Kumar, GP-4
For the respondent no.3 & 4 (GADA)	:	Mr. Satish Chandra Jha-3, Advocate Mr. Shambhoo Kumar Suma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 14-12-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the Gandak Command Area and

learned counsel appearing on behalf of the State.

2. The present application has been filed for quashing
the order dated 25.05.2010 issued by the respondent no.3 in
compliance of the order dated 08.03.2010 passed in CWJC
No.2599 of 2010 by which the respondent no.3 has rejected the
claim of the petitioner and found not to fit for the appointment
of the post of 'Group-D' as per resolution no.639 dated
16.03.2006 of General Administrative Department, Government



of Bihar, Patna.

3. Learned counsel for the petitioner submits that the petitioner had been working as a daily wager 'Group-D' as Zeep Driver under respondent no.3 since March 1983 to February 1990.

4. Mr. Satish Chandra Jha, learned counsel appearing on behalf of the respondent no.3 and 4 submits that the petitioner has not come before this Court with clean hand and the writ petition is dismissed on the ground of suppression of fact by the petitioner. Further submits that altogether 52 daily wager were working including the petitioner had moved before this Hon'ble Court by filing CWJC No.11459 of 1993 for regularization of their services. During the pendency of writ application the services of all 52 daily wages employee including the petitioner were terminated by the Gandak Command Area Development Agency, respondent no.3 vide order dated 21.05.1996, but the Hon'ble Court had stayed the operation of the said order and the aforesaid writ petition was disposed of vide order dated 20.12.1996 with a direction to the respondent no.3 to consider the claim of the petitioner and other persons for regularization of service against sanction and vacant post in accordance with law. Hon'ble Court had further directed



that till such consideration is made, interim order dated 24.05.1996 shall continue.

5. In compliance of the order of this Hon'ble Court against 13 sanctioned post of IVth Grade, service of 12 daily wager were regularized. One post kept reserved due to non availability of S.T. candidate. Service of the rest 40 daily wage employee including the petitioner were retrenched after making all the due payments of due wages in accordance with law vide order dated 30.07.1997. Thereafter, the petitioner had again moved before this Hon'ble Court in CWJC No.2399 of 2010 and the same was disposed of vide order dated 08.03.2010 with a direction to the petitioner to file representation before the respondent no.3 and the respondent no.3 had considered the case of the petitioner and passed the order which is impugned in the present writ petition.

6. Learned counsel for the respondent no.3 further submits that in view of the aforesaid, it appears that the petitioner has suppressed the fact and he has not stated anywhere in petition that he had earlier moved before this Court twice and relied upon the resolution which is not application to the employee of the respondent no.3 and petitioner has approach this Hon'ble Court after delay of 2 years.



7. Considering the aforesaid facts that it appears from the clause-7 of the resolution no.639 dated 16.03.2006 is only applicable to the departments/offices of the State Government. In compliance of the order dated 20.12.1996 passed in CWJC No.11459 of 1993 and 08.03.2010 passed in CWJC No.2399 of 2010, the case of the petitioner was considered in accordance with law and retrenched from the post in question after payments of all due wages which the petitioner was entitled.

8. In view of the aforesaid, no merit in the writ petition, accordingly writ petition is dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

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