

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.843 of 2019
In
Civil Writ Jurisdiction Case No.21500 of 2014

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Principal Secretary Water Resources Department, Govt. of Bihar, Patna
3. The Chief Engineer Water Resources Department, Walmiki Nagar
4. The Superintending Engineer Tirhut Canal Circle, Raxaul
5. The Executive Engineer Triveni Canal Division, Raxaul
6. The Sub-Divisional Officer Triveni Canal Sub-Division, Maniyari

... .. Appellant/s

Versus

1. Sanjeev Kumar Pandey @ Sanjeev Pandey S/o Shri Ram Nand Pandey at present resident of Vill.- Sithi, P.o.- Gaunaha, P.s.- Gaunaha, Distt.- West Champaran, Permanent Address R/o Vill.- Manapur, P.o.- Govind Ganj, P.s.- Govind Ganj, Distt.- East Champaran
2. Durg Narayan Pabe @ Dudh Narayan Pave S/o Late Jagrup Pabe Vill. and P.o.- Serava, Masjadwa, P.s.- Matiararia, Distt.- West Champaran
3. Rajeeva Kumar Pandey @ Rajeev Pandey at present R/o vill.- Sithi, P.o.- Gaunaha, P.s.- Gaunaha, Distt.- West Champaran, Permanent Address resident of Vill.- Manpur , P.o.- Govindganj, P.s.- Govindganj, Distt.- East Champaran
4. Shree Bhola Prasad S/o Shree Yadav Lal Sah Vill.- Shree Rampur, P.o.- Nonia Dih, Via- Raxaul, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Prasad (Ag To Aag 4)
For the Respondent/s	:	Mr.Akash Chaturvedi, Advocate
		Mr. Sriram Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

12 10-01-2023

The present LPA is presented by the State assailing



the order of learned Single Judge dated 28.01.2019 passed in CWJC No. 21500 of 2014. The grievance of the respondents before learned Single Judge is in respect of regularization of their services with reference to Resolution No. 639 dated 16.03.2006 which was rejected. This Court remanded the matter to the competent authority to consider grievance of the respondents. Learned Single Judge has taken note of earlier decision of this Court passed in SLP No. 16777 of 2016, Ashok Kumar Sharma & Others vs. State of Bihar & Others reported in 2016 (1) PLJR 232 insofar as interpretation of Resolution No. 639 dated 16.03.2006.

Learned counsel for the appellant-State could not overcome the Ashok Kumar Sharma's matter. The one and only contention raised by the State-appellant counsel is that appellants have joined service on *ad hoc* basis in the year 1985 and their services were displaced in the year 1990, therefore, they are not entitled to have the benefit of regularization at this instance of time. They had cause of action as and when CWJC No. 9021 of 2012 was decided. Therefore, the aforesaid contention of the State is not appreciable.

Accordingly, the present Letters Patent Appeal No. 843 of 2019 stands dismissed while affirming the order of



learned Single Judge passed in CWJC No. 21500 of 2014 dated
28.01.2019

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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