

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2269 of 2020

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1. Chandrabali Ram, Son of Raghu Ram, resident of Devi Sthan, Adarshnagar, Aurangabad, Post Office- Aranagabad, P.S. Aurangabad Town, District- Aurangabad (Bihar).
 2. Kameshwar Singh, Son of Bhaola Singh, resident of Mohalla Hanumannagar, Ahri, Aurangabad, Post Office - Aurangabad, P.S. Aurangabad Town, District- Aurangabad.
 3. Ashok Kumar Singh, Son of Late Chandradeo Singh, resident of Village Moglani Karma, P.O. Belaiyu, P.S. Nabinagar, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Rural Development Department to the Government of Bihar, New Secretariat, Bailey Road, Patna.
2. The District Magistrate cum Chairman, District Rural Development Agency, Aurangabad, Post Office- Aurangabad, P.S. Aurangabad Town, District- Aurangabad.
3. The Deputy Development Commissioner cum Secretary, District Rural Development Agency, Aurangabad, Post Office- Aurangabad, P.S. Aurangabad Town, District- Aurangabad.
4. The Managing Director, District Rural Development Agency, Aurangabad, Post Office- Aurangabad, P.S. Aurangabad Town, District- Aurangabad.
5. The Accountant General Bihar, Patna, Bir Chand Patel Path, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar, Adv.
For the State	:	Ms. Manisha Singh, Adv.
For the Accountant General	:	Ms. Ritika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 23-06-2023

Heard Mr. Shailendra Kumar, learned counsel appearing on behalf of the petitioners, Ms. Manisha Singh, learned counsel appearing on behalf of the State and Mr. Ms. Ritika Rani, learned counsel appearing on behalf of the Accountant General.



2. The petitioners have sought for following reliefs in the writ petition under consideration:-

“1. That by this application the petitioners are invoking the writ jurisdiction of this Hon’ble Court for issuance of a writ(s), direction(s) in the nature of a writ of mandamus directing the respondents concern to compute and pay the petitioners their amount of gratuity and other post retiral benefits including the monetary benefit in terms of the Judgments dated 27-4-2015 and 13-3-2018 in C.W.J.C. No. 10653 of 2008 and LPA No. 2082 of 2015 as has been extended to similarly situated counterparts even after superannuation.”

3. There are three writ petitioners in the writ petition. The petitioners have given detail service record of the petitioner making specific pleading in the writ petition.

4. There are three writ petitioners in the present writ petition. The petitioners have given details service record making specific pleading in the writ petition.

5. Learned counsel appearing on behalf of the petitioners inform this Court that the deceased was posted in D.R.D.A., Aurangabad. The fathers of the petitioners were employee of D.R.D.A., Aurangabad and all of them have claimed parity with one employee namely Anirudh Ojh, who has preferred writ petition bearing C.W.J.C. No. 10653 of 2008, in which after final adjudication the writ Court has granted similar relief as has been



prayed for in the present writ petition, by directing the State Government for absorbing the petitioners in permanent Government service, pursuant to the Government decision and granted all consequential benefits to the petitioners of the said writ petition. Learned counsel inform that father of petitioner nos. 1 and 2 namely Late Raj Narayan Singh and Late Umashankar Sharma respectively were directed to be absorbed in Collectorate in regular establishment of the Government, in compliance of the order passed by the Hon'ble Court in C.W.J.C. No. 17221 of 2014, while father of petitioner no. 3, Late Shekhat Prasad had died in the year 2012.

6. Learned counsel further submits that the law is no more res intergra and petitioners' case may also be considered in light of Judgment dated 27.04.2015, passed in **C.W.J.C. No. 10653 of 2008 (Anirudh Jha Vrs. The State of Bihar & Ors.)**.

7. Learned counsel further submits that the case of the petitioners for regularization in permanent establishment of State Government was taken belatedly and could not be considered along with the cases of other similarly situated employees and without giving benefit during life time of the father of the petitioners, the petitioners have been forced to file the present writ petition.



8. Learned counsel in the above background submitted that they will file representation before the District Magistrate, Aurangabad, respondent no. 2.

9. Learned counsel appearing on behalf of the State have no objection in the above order as the order is not being passed on merits.

10. Considering the prayer made on behalf of the petitioner, this Court directs the District Magistrate, Aurangabad to dispose of the representation of the petitioner in light of the Judgment passed in case of other similarly situated employees including one namely **Anirudh Jha**, who has preferred **C.W.J.C. No. 10653 of 2008** by a Coordinate Bench of this Court vide order dated 27.04.2015 had granted relief to the petitioners of the said writ petition as has been made in the present case.

11. The State had preferred L.P.A. No. 208 of 2015 against the order dated 27.04.2015, passed in C.W.J.C. No. 10653 of 2008. The Division Bench of this Court after considering the facts of the case as well as the submission made by the State Government had not found any infirmity in the order passed by the learned Single Judge and the same was made absolute and had directed the State Government to grant relief to the petitioners. The



petitioners cannot be deprived of the benefit in terms of the notification of the years 2003 and 2006.

12. In the present case certainly no action was taken by the District Magistrate, Aurangabad at the relevant point of time which delayed the matter at the level of the District Magistrate, Aurangabad and for the said illegal act of the District Magistrate in following the matter the petitioner cannot be allowed to stop the State Government.

13. The order passed by the learned Single Judge was finally affirmed by the Apex Court in Special Leave Petition (Civil) (Diary) No. 27689 of 2018.

14. The District Magistrate, Aurangabad must pass a reasoned order in conformity with the law laid down by this court, which has been affirmed by the Apex Court in case of Anirudh Jha (supra) within a period of six weeks.

15. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

