

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13046 of 2012

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Raj Kumar Paswan S/O Sri Jogi Das Paswan Resident Of Village- Malti
Bethaulia, P.O.- Bhagwanpur Dasua, P.S.- Ujiarpur, District- Samastipur,
Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Old Secretariat, Patna
2. The Chairman, Bihar State Electricity Board, Patna
3. The Secretary, Bihar State Electricity Board, Patna
4. The Director Of Personnel, B.S.E. Board, Vidyut Bhawan, Bailey Road,
Patna
5. The General Manager Cum Chief Engineer, Mithila Regional Electricity
Board, Darbhanga
6. The Superintending Engineer, Circle Anchal, Bihar State Electricity Board,
Samastipur Circle, Samastipur
7. The Executive Engineer, B.S.E.B. Division, Dalsing Sarai, Null District-
Samastipur
8. The Assistant Engineer, Electric Supply Sub-Division Dalsingh Sarai,
District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumod Kumar Shrivastaw, Advocate
For the B.S.E.B.	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Akhileshwar Singh, Advocate
		Mr. Venkatesh Kirti, Advocate
For the State	:	Mr. Prabhakar Thakur, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-05-2024

Heard Mr. Kumod Kumar Shrivastaw, learned
counsel appearing on behalf of the petitioner; Mr. Vinay Kirti
Singh, learned senior counsel assisted by Mr. Akhileshwar
Singh, learned counsel for the Bihar State Electricity Board and
Mr. Prabhakar Thakur, learned AC to GA-13 for the State.

2. The petitioner has sought for following relief(s)



in paragraph no. 1 of the writ petition:

"(a) For a direction to respondents to regularise the services of the petitioner as "Permanent Kamgar" or its any equivalent post.

(b) For issuance of any other writ/writs, order/orders, direction/directions in the ends of Justice to which the petitioner is entitled.

(c) For quashing Annexure-12 by which the regularisation of the petitioner as bill distributor was rejected by the respondent."

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner had continuously worked for more than 240 days in light of his initial engagement on 05.03.1982. Learned counsel submitted that he has been duly rewarded for that, and, in this regard, he has brought on record appreciation certificates duly issued by the Assistant Engineer, Electric Supply Sub-Division, Dalsing Sarai. Learned counsel further submitted that case of the petitioner is covered by the judgment dated 11.04.2001 passed in CWJC No. 8793 of 1996. He further submitted that petitioner seeks to file detailed representation before the General Manager, North Bihar Power Holding Company to consider his case in light of the law laid down in case of *Secy., State of Karnataka and Others vs. Uma Devi* reported in *(2006) 4 SCC 1*.

4. Considering the aforesaid submission made on behalf of the petitioner, as well as, the statement made in the counter affidavit, wherein only denial is that the petitioner



cannot be regularized in light of the Standing Order No. 753 dated 13.12.1993, which warrants any appointment of daily wages worker/ contingent labour as per the Board's Standing Order No. 807 dated 22.09.1998, which cannot be said to be effective in the case of the petitioner, who was initially engaged on 05.03.1982, much earlier to the said decision of the Board, when the Electricity Board used to engage daily wages worker/contingent labours and others.

5. The representation of the petitioner must be considered in light of the law laid down by the Apex Court in case of *Uma Devi (Supra)* well within a period of eight weeks from the date of filing of the representation.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

