

Civil Writ Jurisdiction Case No.14440 of 2024

- Petitioner/s

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in- Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Chief Engineer (Mechanical) Public Health Engineering Department, Government of Bihar, Patna.
4. The Executive Engineer, Public Health Engineering Division, Patna East, Patna.

... .. Respondent/s

For the Petitioner/s : Mr. Lalan Kumar Singh, Adv.
For the Respondent/s : Standing Counsel (8)

ORAL ORDER

2. The present writ petition has been filed for reliefs :-

"(i). That the order



contended in Memo No. 1345 dated 16.11.2023 passed by the Engineer-in-Chief cum Special Secretary, P.H.E.D., Bihar be quashed on the ground of the judgement of the Hon'ble Apex Court and in pursuant to the State Litigation Policy, 2011.

(ii). That an appropriate writ or direction be also issued to the respondents commanding them to compute the entire length of service of the petitioners since the date of absorption in the regular scale of pay under work charge establishment to the date of absorption in the permanent establishment with all consequential benefit of Service including assured career progression scheme/Multiple Assured Career Progression scheme.

(iii). That an appropriate writ or direction be issued to the respondents commanding them to consider and treat the service of the petitioners as work charge employee w. e. from 01.06.2002 to 30.11.2006 and treat/ count the regular service w. e. f. 26.10.2007 to 20.06.2014 they were reverted back as daily wages, in the light of the Bihar Litigation



Policy, 2011, the state government has taken policy decision in similarly situated employee pursuant to the judgment delivered by the Hon'ble High Court and the Hon'ble Apex court.

(iv). Any other relief or reliefs may be granted to the petitioners as they are found entitled to in the facts and circumstances of the case for the ends of justice."

3. Learned Counsel for the petitioners submits that a fresh representation has been filed by the petitioners vide Annexure- P/25. Counsel for the petitioners submits that their representation is fit to be allowed on the ground of 4C of the Bihar State Litigation Policy, 2011 as the case of the petitioners are covered from the case of ***State of Bihar vs. Shiv Shankar Choubey passed in L.P.A No. 1140 of 2018 in CWJC No. 2181 of 2013***. Counsel submits that this aspect has not been considered by the Engineer-in-Chief cum Special Secretary, P.H.E.D., Bihar at all.

4. Learned Counsel for the State submits that the order contained in Memo No. 1345 dated 16.11.2023 has been passed completely in accordance with law. Counsel submits that the permissible claim of the petitioners has been allowed in their



favour and the claim to which they are not entitled has not been considered. Counsel further submits that so far as the applicability of 4C of the Bihar State Litigation Policy, 2011 is concerned, the case of petitioners is not covered under 4C of the Bihar State Litigation Policy, 2011. Therefore, this writ petition may be rejected.

5. After hearing both the parties, this Court finds that vide Annexure- P/25 a detailed representation has been filed by the petitioners in which the petitioners are claiming on the ground of similarly situated case and in the light of 4C of the Bihar State Litigation Policy, 2011 the officials are bound to decide the representation.

6. It is directed to the Engineer-in-Chief cum Special Secretary, P.H.E.D., Bihar, Patna (respondent No. 2) to pass a reasoned and speaking order on Annexure- P/25, if it has been found that the case of the petitioners is similarly situated as like that of *State of Bihar vs. Shiv Shankar Choubey passed in L.P.A No. 1140 of 2018 in CWJC No. 2181 of 2013* then relief shall be granted and if it has been found that the petitioners are not entitled and the petitioner's case is not similarly situated then in that case a reasoned and speaking order shall be passed within 90 days from the date of receipt/production of a copy of



this order.

7. It is made clear that liberty is granted to the respondent that, if require, the respondent shall provide necessary hearing through the Counsel for the Petitioners in this matter and 90 days shall be counted from the date of appearance of the Counsel for the petitioners.

(Dr. Anshuman, J.)

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