

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1181 of 2020

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Vijay Poddar son of late Vishwanath Poddar, Resident of village- Bagha,
Ward No. 24, P.O. Suhind Nagar, P.S. Lchiyanagar, O.p. Dist- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief-cum- Special Secretary, Public Health Engineering Department, Bihar, Patna.
5. The Chief Engineer (Mechanical), Public Health Engineering Department, Bihar, Patna.
6. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
7. The Executive Engineer Public Health Division, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 01-02-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2.The petitioner has filed the present writ petition directing the respondents to make payment of arrears of salary of the petitioner's husband for the reverted period of his service, i.e.,from 01.06.2002 to 25.08.2015 in compliance of the order dated 16.05.2013 passed in CWJC No.7211 of 2011 as well as in the light of the policy decision of the State contained in



Memo No.925 dated 16.11.2013 passed by Engineer-in-Chief, Public Health Engineering Department, Bihar, Patna.

3. Learned counsel for the State submits that the petitioner is not entitled for any relief either in the light of order dated 16.05.2023 passed in CWJC No.7211 of 2013 or in the light of policy decision bearing Memo No.925 dated 16.11.2013 due to the reason that the said decision was passed for those employees who were regularized in 2006; whereas the regularization of the service of the petitioner was made in 2014. Learned counsel for the State also submits that during the period from 01.06.2002 to 25.08.2015, the status of the petitioner was daily wager. Learned counsel also submits that in this regard a categorical analysis has been made by this Hon'ble Court in order dated 16.02.2023 passed in CWJC No.77 of 2023. Learned counsel for the State also submits that the issue has well been decided in LPA No.185 of 2018 and analogous cases vide order dated 20.04.2023.

4. In response thereof, learned counsel for the petitioner submits that his case is squarely covered by the decision made by LPA Bench vide order dated 03.01.2023 passed in L.P.A. No.1140 of 2018 about which discussion has not been made by Hon'ble Single Bench in CWJC No.77 of



2023.

5. Considering the rival submissions and in the light of Section 4C of the Bihar State Litigation Policy, 2011, this Court directs the petitioner to raise all such points, which he has raised before the present writ petition before the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna, who shall decide the matter by passing reasoned and speaking order after granting opportunity of hearing to the petitioner within 90 days.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2024
Transmission Date	NA

