

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14638 of 2013

1. Kishun Paswan S/O Sri Surat Paswan Resident Of Village - Kahari Tola, P.O. Sarai, Distt. - Patna
2. Arun Singh S/O Late Babu Dani Singh Resident Of Village - Satipari, P.O. and P.S. Hasua, District - Nawada
3. Rameshwar Choudhary S/O Shiv Lal Chaudhary Resident Of Village - Chakdhito, P.O. Majhaul, P.S. Bakhtiarpur, District - Patna
4. Ramesh Prasad S/O Sri Sipat Thakur Resident Of Village - Kundila, P.O. Ratani Bazar, P.S. Kurtha, District - Jehanabad
5. Pradeep Kumar S/O Late Durgacharan Prasad Resident Of Village P.O. Chiterdih, P.S. Jamua, District - Giridih Jharkhand
6. Permanand Prasad S/O Sri Ram Charitar Prasad Resident Of Village - Baltharwa, P.O. Pipra Kothi, P.S. Pipra Kothi, District - East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through its Commissioner-cum-Secretary, to Govt. Public Health Engineering Department.
2. The Engineer - in - Chief - Cum - Special Secretary, Public Health Engineering Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Bisheshariya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer (Mechanical), Public Health Engineering Department, Patna Circle, Rajbanshi Nagar, Patna.
5. The Executive Engineer, Public Health Engineering Division, Patna West Ranbanshi Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate
For the Respondent/s : Mr. Ramadhar Singh, G.P.-25

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 02-09-2025 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. At the outset, it is submitted by learned counsel for the petitioners that during pendency of this application, the



grievances of the petitioner nos.1, 2, 4, 5 and 6 having been redressed, he seeks permission to withdraw this application so far as they are concerned.

3. The application stands disposed of as withdrawn so far as petitioner nos.1, 2, 4, 5 and 6 are concerned. The instant application is confined to petitioner no.3 only.

4. The petitioners have filed the instant application for the following relief(s):

“That by this writ application, the petitioner seeks indulgence of this Hon'ble Court for issuance of an appropriate writ or direction commanding the respondents to consider and make payment of difference of arrear of salary with effect from 01.06.2002 to 30.11.2006 in the light of the stay order of this Hon'ble High Court as well as the decisions of the Hon'ble Apex Court and further treat the Regular service of the work charge Establishment period in continuation, prior to the date of absorption in permanent establishment in view of the resolution no.229 dated 07.04.2011 and maintained the status of pay scale of the petitioners as the respondent has granted the said benefits of similarly situated and Junior Persons, when the petitioner is discharging the duties of the said post continuously with satisfactory service, since the date of initial appointment i.e. last 35 years and further the petitioner challenges the arbitrary and high handed action of the respondents in passing the order of Absorption in the permanent establishment is wholly contrary to the settled



decision of the Hon'ble Court and circular of the State Govt."

5. Learned counsel for the petitioners refers to various documents brought on record by way of annexures to the petition, reply to the counter affidavit filed by respondent no.5 as also an interlocutory application being I.A. no.1 of 2024. In reference to the letter contained in Memo no.925 dated 16.11.2013 written by the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna to all the Executive Engineers of the PHED, the office order contained in letter no.1023/2013-240 dated 12.9.2023 issued under the signature of the Joint Secretary, PHED besides other documents, learned counsel for the petitioners submits that the case of the petitioner no.3 stands on a similar footing to those who have been granted the benefit.

6. In view of the above as also in view of the fact that several of the petitioners herein as mentioned above have already been granted the benefit during pendency of this application, let the petitioner no.3 file a representation before the Engineer-in-Chief-cum-Special Secretary, PHED (respondent no.2) with respect to his remaining grievances.

7. In case such a representation is filed within a period of four weeks, the same shall be disposed of by the respondents



concerned within a period of three months from the date of it's filing. In case the petitioner no.3 is found entitled for the relief etc. prayed for, the difference of arrears of salary found payable shall be paid to the petitioner no.3 within the aforesaid period.

8. In case the respondent concerned are of the opinion that the petitioner no.3 is not entitled for the relief prayed for, the representation of the petitioner no.3 shall be disposed of by a reasoned order which shall also be communicated to the petitioner no.3 within the aforesaid period.

9. With the above observation and directions, the writ application stands disposed of.

(Partha Sarthy, J)

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