

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2189 of 2019

In
Civil Writ Jurisdiction Case No.2292 of 2013

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Md. Zubair Ahmad Son of Md. Akhtar R/M Aalamganj (Bangalitola), P.O.-
Gulzarbag, P.S. Aalamganj, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mr. Amrit Lal Meena The Commissioner cum Secretary Department of Road Construction, Bihar, Patna
3. Sri Ratnesh Kumar The Deputy Secretary Department of Road Construction, Bihar, Patna
4. Sri Sudhir Kumar The Chief Engineer, Department of Road Construction, Bihar, Patna
5. Sri Om Prakash Lal The Superintendent Engineer, Bhojpur Road Anchal, Road Construction Department
6. Sri A.P. Yadav The Executive Engineer, Road Construction Department, Division, Bhabhau (Kaimur)
7. Sri Amir Subhani The Principal Secretary, General Administrative Department, Government of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anil Kumar, Advocate
For the Opposite Party/s :	Mr. Raj Ballabh Prasad Yadav (Aag11)
	Mr. Jitendra Kumar, AC to Ex-AAG-11

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 16-04-2025 This contempt application has been filed alleging violation of the order dated 16.05.2018 passed in CWJC No. 2292 of 2013, wherein respondent No. 4 of the writ petition/ the Chief Engineer, Department of Road Construction, Bihar, Patna was directed to consider the case of the petitioners for their regularization of service under regular establishment by the appropriate committee constituted for the purpose within three

months from date of production/receipt of a copy of the order.

2. Opposite Party No. 5/ the Superintendent Engineer, Bhojpur Road Achal, Road Construction Department has filed a show-cause wherein, in paragraph Nos. 9 & 10 it has been stated as under:

“...9. That in reply to the statement made in para no. 7 of the M.J.C. it is respectfully stated and submitted that the representation submitted by the petitioner dated 10.07.2018 was put up before the committee of 4 persons duly authorized as per direction of the writ petitioner 2018 of CWJC No. 2292 of 2013.

10. That in reply to the statement made in para No. 08 of the M.J.C. it is respectfully stated and submitted that the meeting was convened on 11.10.2018 in view of the mandate of CWJC No. 2292 of 2013 to consider the matter of regularization of the services of the petitioner Md. Zubair Ahmad a Jeep driver on daily wages along with 2 others Md. Suleman Khan and Md. Sakir Khan who were all terminated earlier but reinstated later on in view of the order dated 22.02.2007 of CWJC No. 12713/2000 vide letter NO. 4/11-37/07-12838 (s) dated 11.11.2019. The meeting of duly constituted committee was convened on 11.10.2018 to

consider the claim and contention of the petitioner earnestly in the light of the order of CWJC No. 2292 of 2013 but alas. Petitioner was found to have been working on daily wages since 31.10.1993 viewed the cut of dated as fixed on 11.12.1990 vide the resolution of general administration Sanklap No. 3/M-30/2005 639 dated 16.03.2006 the daily wager must be found to have been working at least for the period of 240 days prior to 1 December 1990 only deserves for regularization of his service and otherwise not so after considering the pros and cons of the regularization of the service of petitioner the committee duly constituted came to a finding that the petitioner having not fulfilled the fixed up criteria of regularization. The committee found no reasonable ground to regularize the service of the petitioner and thus no option was left except to disallow the representation of the petitioner. The petitioner did not have any right to approach any authority for reinstatement on the basis of parity nor Deputy Secretary, Road Construction dept, vide memo dated 11.11.2009 directed the superintending Engineer, Bhojpur, Road Anchal to grant similar relief to the petitioner vide memo dated 11.11.2009 in the light of the order dated 22.02.2007 passed in

CWJC No. 12713 of 2000 which is against the spirit of the order dated 16.05.2018 passed in CWJC 2292 of 2013 however the contents of CWJC No. 12713 of 2000 was unknown to the Respondent because the contents of each case differs from another case and the ratio of the same is not applicable to the present cause of justice...”

3. On perusal of paragraph Nos. 9 & 10 of the show-cause filed by the opposite party No. 5, I find that the order dated 16.05.2018 passed in CWJC No. 2292 of 2013 has been duly complied with by the respondents.

4. Accordingly, this contempt applications stands closed and disposed off.

(Nani Tagia, J)

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