

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1873 of 2017

Chandrika Singh Son of Sukhadeo Singh, resident of Village- Kothian, P.S. Didarganj, District- Patna at present in the 4th Grade Service in Saran Nahar Pramandal, Gandak Yojana Marhaura under the respondent No. 7, Executive Engineer, Siwan, Water Resources, P.S. and District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Water Resources Department of Bihar, Sinchai Bhawan, Patna- 1.
3. The Addl. Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna-1.
4. The Engineer-in-chief North Bihar, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna-1.
5. The Chief Engineer, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna-1.
6. The Superintending Engineer, Water Resources Department, Saran Nahar Pramandal, Siwan, P.S. and District- Siwan.
7. The Executive Engineer, Saran Nahar Pramandal, Siwan, Water Resources Department, P.S. and District – Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA- 2

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 19-01-2026

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

2. The petitioner has filed the instant application for
the following reliefs:

*“1. i. for issuance of
appropriate writ for quashing of the
letter dated 13.01.2017 issued under*



the signature of Executive Engineer, Saran Nahar Pramandal Maharajganj vide letter No. 28 to the petitioner whereby the petitioner has been ordered to discharge from the engagement as tractor driver from 12.02.2017 i.e. one month after the issuance of this letter dated 13.01.2017.

ii. for giving a direction to the authority not to disturb the petitioner from discharging his duty.

iii. for other relief/reliefs for which the petitioner is entitled for.”

3. Bereft of unnecessary details, it may be stated here that as per the petitioner's case, he was appointed initially in the year 1979 as a daily wage tractor driver in Punpun Flood Protection Division, Anishabad. The petitioner moved this Court in C.W.J.C. no. 4909 of 1996 which case along with others came to be disposed off by order dated 12.1.1999 directing the State Government and other respondents to pay the salary in the scale of pay admissible to Class-IV posts.

4. It further transpires from the records of the case that the case of the petitioner and few others came to be considered for their regularization of service. The respondents passed an order contained in Memo no. 1218 dated 16.4.2012



under the signature of the Chief Engineer, Water Resources Department, Siwan. Taking note of the facts that no advertisement was issued at the time of the petitioner's appointment, no list was obtained from the employment exchange nor any examination was conducted, the Chief Engineer rejected the case of the petitioner for regularization of their service on the basis of the judgment of the Hon'ble Supreme Court in the case of *Secretary, State of Karnataka and Ors. vs. Umadevi (3) and Ors; (2006) 4 SCC 1*. It further transpires from the order dated 16.4.2012 that the Chief Engineer also took into consideration the facts that the petitioner had not been able to produce any evidence to the effect that their appointment had been made against sanctioned vacant post and the appointment had taken place as per the procedure established in law. The respondents had not been able to show that the appointing authority had the powers to appoint at the relevant time and in fact the petitioner and others had been working on daily wages.

5. It is not in dispute that the order dated 16.4.2012 giving detailed reasons and rejecting the case of the petitioner for regularization of their service was not challenged in any Court.



6. At this stage, it is submitted by learned counsel for the petitioner that even thereafter, the respondents continue to take work from the petitioner and to pay him salary as a daily wage tractor driver. However, the petitioner was surprised to receive a letter no. 86 dated 14.2.2017, brought on record as annexure to I.A. no. 1607 of 2017 wherein it was ordered that a sum of Rs. 1,88,144/- had been paid in excess to the petitioner and after adjustment of Rs. 1,62,056/-, a sum of Rs. 24,088/- still remained recoverable.

7. Having heard learned counsel for the parties and having perused the material on records, so far as challenge in the writ application to the order of discharge from engagement as tractor driver from 12.2.2017 is concerned, in the opinion of the Court, the case of the petitioner for regularization having already been rejected vide order dated 16.4.2012 and the same having remained unchallenged, the Court finds no merit in the instant application and the same is dismissed.

8. So far as challenge to the order/communication dated 14.2.2017 ordering recovery of further amount of Rs. 24,088/- as also the total amount of Rs. 1,88,144/- is concerned, the petitioner may file a representation before the Engineer in Chief (North Bihar), Water Resources Department, Government



of Bihar (respondent no. 4) within a period of four weeks.

9. In case, such a representation is filed along with supporting documents, the same shall be decided by the respondent concerned within a period of two months from the date of its filing and the order passed therein shall be communicated to the petitioner within the aforesaid period.

10. The writ application stands disposed off with the above observations and direction.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.1.2026
Transmission Date	NA

