

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.268 of 2025

Rajesh Kumar son of Suryavali Singh, resident of Town Lakhisarai, Ward No.- 30, P.S. and District- Lakhisarai, presently working as Peon Department of Building Construction, Sub Division- 2, Sheikhpura, District- Sheikhpura.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building Construction, Patna.
2. The Principal Secretary, Department of Building Construction, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Secretary, Department of Finance, Government of Bihar, Patna.
5. The Engineer in Chief cum Additional Commissioner, Department of Building Construction, Government of Bihar, Patna.
6. The Chief Engineer, Department of Building Construction, Government of Bihar, Patna.
7. The Superintending Engineer, Department of Building Construction, Bhagalpur Circle, Bhagalpur.
8. The District Magistrate, Sheikhpura.
9. The Executive Engineer, Department of Building Construction, Munger Division, Munger.
10. The Executive Engineer, Department of Building Construction Lakhisarai Division, Lakhisarai.
11. The Executive Engineer, Department of Building Construction Sheikhpura Division, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate
For the Respondent/s : Mr. Ravish Chandra, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 19-02-2026

Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following relief (s) :-

*“1. (i) For issuance of an appropriate writ /
writs commanding / directing the Respondents to*



put the services of the petitioner is old pension Scheme instead of New Contributory Pension Scheme on he is not a new appointee after 01.09.2005 in the Services of the State Government in pursuance to Government Resolution under Memo No. 1206 dated 26.11.2023 as contained in Annexure P/11.

(ii) For issuance of an appropriate writ / writs commanding / directing the Respondents to pay the back due wages/ remuneration of the petitioner from December, 2001 to February 2002 and from March 2004 to the date of his regularization of service i.e. 27.11.2017;

(iii) For issuance of any other relief/ reliefs for which the petitioner is found entitled to under law as well as under facts:

And/or

Pass such other order/ orders, direction /directions which your Lordships may deem fit and proper under the facts and circumstances of the case.”

3. The case of the petitioner in brief is that having been appointed on daily wage in the year 1983, the petitioner moved this Court for regularization of his services in CWJC no.8607 of 1999, which was disposed of vide order dated 27.11.2004 directing the petitioner to file a representation before the Engineer in Chief-cum-Additional Commissioner, Department of Building Construction, Government of Bihar. It was further observed that in case the same is filed, the grievances of the petitioner shall be considered by the respondent concerned and necessary orders shall be passed for regularization of the services.



4. It is the case of the petitioner that the petitioner filed a representation, as directed by order dated 27.11.2004 and no action having been taken by the respondent authorities, he moved this Court in contempt application being M.J.C no.2734 of 2006. Referring to the order dated 13.8.2009 passed in M.J.C no.2734 of 2006, learned counsel for the petitioner submits that the contempt application was dismissed. Further from the said order, it would transpire that the services of four of the six petitioners therein were regularized while observing that there were four more vacancies and that the case of the petitioner would be considered against the same, the contempt application was dismissed.

5. Learned counsel for the petitioner further submits that once again the respondents not having taken any steps for regularization of the service of the petitioner, the petitioner moved this Court in CWJC no.6337 of 2014. This Court was pleased to dispose of the said writ application by its order dated 15.3.2016 observing that if there is a post vacant and available, then the claim of the petitioner will be considered favourably or else the decision would be made known to him clearly within the time fixed. It is further submitted that once again the directions of this Court not having been carried out, the



petitioner moved in a contempt application (MJC no.3072 of 2016), however during pendency of the said writ application, by order bearing no.26 dated 27.11.2017 contained in Memo no.795 dated 27.11.2017 issued under the signature of the Superintending Engineer, Building Construction Department, Building Circle, Munger, the service of the petitioner was regularized.

6. Learned counsel for the petitioner submits that the service of the petitioner has been regularized by the said order dated 27.11.2017 (Annexure P/9) with effect from the date of passing of the order instead of a date prior to 1.9.2005 as had been done in the case of others similarly situated. As such the instant writ application has been filed for issuance of a direction to the respondents to put the service of the petitioner in the Old Pension Scheme instead of the New Contributory Pension Scheme for which the cut-off date is 1.9.2005.

7. The application is opposed by learned counsel appearing for the respondents, who in reference to the counter affidavit filed on behalf of the respondents-Building Construction Department submits that the service of the petitioner was not regularized earlier as no roster was available for the petitioner's appointment and his services were not



continuous, the petitioner having been removed by order dated 8.6.2010 by the Executive Engineer, Building Division, Sheikhpura. It is further categorical case of the respondents that the petitioner was not working against a vacant sanctioned posts and as such there is no question of the petitioner's regularization or his being placed under the Old Pension Scheme, cut-off date for which is 1.9.2025.

8. Having heard learned counsel for the parties and having perused the material on record, in addition to the fact that the statements made in the counter affidavit on behalf of the respondents have not been contradicted by the petitioner by filing any rejoinder, this Court finds that against the order of regularization of the petitioner dated 27.11.2017, the instant writ application for the reliefs prayed for, as stated herein above, has been preferred by the petitioner after 8 years in the year 2025. Thus the application is fit to be rejected on the ground of delay and laches.

9. The application is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.02.2026
Transmission Date	

