

IN THE HIGH COURT OF JUDICATURE AT PATNA

**CWJC No.9079 of 2009**

RAMANAND PANDIT, SON OF LATE TETAR PANDIT, RESIDENT OF VILLAGE BARIAN KALA, P.O. DAULATPUR (GANDHI TOLA), P.S. FATUHA, DISTT. PATNA, AT PRESENT WORKING AS CHOUKIDAR IN THE FLOOD PROTECTION SUB.DIVISION OF THE IRRIGATION DEPARTMENT AT BANKERBA SONEPUR, DISTT. SIWAN

..... PETITIONER.

Versus

1. THE STATE OF BIHAR, THROUGH THE COMMISSIONER-CUM-SECRETARY TO THE GOVERNMENT OF BIHAR, WATER RESOURCES DEPARTMENT, STATE SECRETARIATE, BIHAR, PATNA
2. THE ENGINEER-IN-CHIEF, WATER RESOURCES DEPARTMENT, GOVT. OF BIHAR, SINCHAI BHAWAN, PATNA
3. THE CHIEF ENGINEER, WATER RESOURCES DEPARTMENT GOVT.OF BIHAR, ANISHABAD, PATNA-2
4. THE SUPRINTENDING ENGINEER, WATER RESOURCES DEPARTMENT, GOVT.OF BIHAR, PATNA CIRLCE, ANISHABAD, PATNA-2
5. THE EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT PUNPUN FLOOD PROTECTION DIVISION, PATNA CITY, KARBIGAHYA, PATNA
6. THE CHIEF ENGINEER, WATER RESOURCES DEPARTMENT, GOVT.OF BIHAR, SIWAN
7. THE SUPERINTENDING ENGINEER, WATER RESOURCES DEPARTMENT, GOVT.OF BIHAR, FLOOD PROTECTION CIRCLE GOPALGANJ
8. THE EXECUTIVE ENGINEER, FLOOD PROTECTION DIVISION SARAN, CHAPRA, SARAN
9. THE SUB.DIVISIONAL OFFICER, WATER RESOURCES DEPARTMENT, GOVT.OF BIHAR, FLOOD PROTECTION SUB.DIVISION, BANKERBA, SONEPUR, DISTT. SIWAN
10. THE UNDER SECRETARY TO THE GOVT. OF BIHAR, WATER RESOURCES DEPARTMENT, STATE SECRETARIATE, BIHAR, PATNA

..... RESPONDENTS.

2. 31.7.2009 Heard learned Counsel for the petitioner and the State.

2. Petitioner is engaged in the Water Resources Department for performing Class-IV duties of Choukidar with effect from 21.6.1979 and appreciating such engagement this Court under orders dated 12<sup>th</sup> January, 1999 as contained in

Annexure-1 to this application directed the authorities to formulate scheme for their regularization and until finalization of the scheme for regularization to grant them salary in the minimum time scale. In compliance of the aforesaid orders petitioner and others are being allowed salary at the lowest stage of the scale meant for Class-IV employees. His case for regularization however has not been considered although he has been empanelled for such purpose as would appear from the panel appended to the letter no.7073 dated 15.12.2005 (Annexure-8) and persons included in the said panel below the petitioner have already been regularized so submitted learned Counsel for the petitioner.

3. Learned Counsel for the petitioner submitted that highlighting the aforesaid fact, petitioner represented before the Chief Engineer who in turn requested the Chief Engineer, Siwan under whom petitioner is presently serving to regularize his service as others below the petitioner in the panel have already been regularized. In this connection, reference was made to the instructions of the Chief Engineer dated 2.5.2009 (Annexure-13) and 5.6.2009 (Annexure-14), but when no action was taken by the Chief Engineer, Siwan to regularize the services of the petitioner, the petitioner requested the Commissioner and the Secretary of the Department vide his representation dated 27.6.2009 which is contained in Annexure-17. The said representation is also pending.

4. Learned Counsel for the petitioner submits that petitioner is to attain the age of superannuation very soon and in view of his early retirement the authorities should consider his representation for regularization at an early date.

5. Let the Principal Secretary, Water Resources Department consider the representation of the petitioner dated 27.6.2009 and pass appropriate orders so that before he bids adieu to the government he has satisfaction of being regularized in the government service. Necessary orders in this regard be passed by the learned Principal Secretary, Water Resources Department as early as possible in any case within two months from the date of receipt/production of a copy of this order.

6. It goes without saying that if the relief of regularization is allowed, then the consequential benefits of payment of arrears of salary with effect from the date of regularization should also be considered and disposed of within the same time.

7. This writ application is accordingly disposed of.

Narendra/

( V. N. Sinha, J. )