
(2004) 11 PAT CK 0023
In the Patna High Court
Case No : CWJC No. 9202 of 2001

Jay Prakash Paswan

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 23-11-2004

Acts Referred:

Citation : (2004) 3 BLJR 2266 : (2005) 1 PLJR 81

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : S.C. Mitra and Ram Nandan Prasad, S.C. Mitra, for the Appellant; JC to GP 4, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the petitioner, counsel for the intervenors, namely, Smt. Shakuntala Devi and Surendra Prasad, and JC to GP 4.

2. The petitioners and intervenors have prayed for issuance of direction upon the respondents to regularise their services in the like manner it has been done vide Rural Engineering Organisation Department's letter No. 1370 dated 18.3.1996.

3. It is submitted by learned counsel for the petitioner and the intervenors that they were initially working in the Work Charged Establishment of the Rural Engineering Organisation and a panel was prepared where the petitioner and the intervenors were shown above similarly situated persons, who have been regularised vide letter No. 1370 dated 18.3.1996. However, their claims have been ignored without any rhyme or reason and the persons below them have been regularised.

4. A counter affidavit has been filed on behalf of the respondents, wherein these facts have not been denied. However, it is stated that persons, who were recommended for regularisation, were regularised and since names of the petitioners were not recommended their cases were not considered. It is further stated in the counter affidavit that the matter had been referred to the Finance Department to remove these anomalies. At the same time, it is also stated that

the petitioner and the intervenors are getting their salary as regular employees.

5. It is not in dispute that the petitioner and the intervenors were shown above the persons, who have been regularised, rather it is admitted fact that claims of the petitioner and the intervenors were not considered in accordance with law. Since the petitioner and the intervenors were shown above persons, who have already been regularised, it was incumbent upon the respondents to consider them along with others for regularisation.

6. It appears that in most discriminatory and arbitrary manner persons below the petitioner and intervenors were considered and they were regularised.

7. In the given facts and circumstances of the case, claims of the petitioner and the intervenors could not have been ignored, rather parity could have been given to them in the like manner it was done in the cases of those persons who have already been regularised.

8. Considering the facts and circumstances of the case, the respondent authorities are directed to consider the cases of the petitioner and intervenors for their regularisation from the date persons below them have been regularised. This exercise, however, must be completed by the respondents in case the petitioner and the intervenors are found on the roll of the Department within a period of three months from the date of receipt/production of a copy of this order.

9. With the direction/observation aforesaid, this application stands disposed of.