
(2011) 08 PAT CK 0131
In the Patna High Court
Case No : CWJC No. 2608 of 2007

Ratan Kumar Lal @ Ratan Kumar "Raman"	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 26-08-2011

Acts Referred:

Citation : (2012) 3 PLJR 633

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—Heard learned counsel for the petitioner and the State. Petitioner is serving as Chaukidar in the work charge establishment of the Executive Engineer, Road Construction Division, Supaul, He has filed this writ petition for quashing of the order contained in letter no. 511 dated 18.8.2005, Annexure-5 whereunder his request for promotion on Class-III post has been rejected. He has also challenged the order contained in letter No. 376 dated 18.5.2006, Annexure-6 whereunder petitioner has been restrained by the Superintending Engineer of the Road Construction Circle, Saharsa from filing any representation praying, inter alia, to promote him on Class-III post. Petitioner was initially appointed as Chaukidar in the work charge establishment of the Executive Engineer, Jainagar, Road Division with effect from 1.6.1981. Such fact is evident from Annexure-D to the counter affidavit, which is extract from the service book of the petitioner.

2. It is submitted on behalf of the petitioner that his case for regularization in the regular establishment of the Road Construction Department was not being considered on account of instruction contained in circular Finance Department bearing No. 6394 (2) dated 23.10.1987, Annexure-B to the counter affidavit in paragraph 4 whereof it is indicated that only those work charge employees were to be regularized who had completed five years of service until 21.10.1984.

3. Petitioner having served the work charge establishment with effect from 1.6.1981, had not completed five years of service in the work charge

establishment until 21.10.1984, as such, his services has not been regularized in the regular establishment till date. The State Government under Resolution bearing no. 489 dated 10.5.2005 extended the cut-off date for regularization of the muster roll workers from 1.8.1985 to 11.12.1990. Such extension of the date for regularization of the work charge employees serving in the different work charge establishments of the State Government is also called for.

4. Accordingly, the State Government Is directed to consider the extension of the cut-off date fixed under the circular letter No. 6394 (2) dated 23.10.1987, Annexure-B for regularization of the work charge employees so that the work charge employees working in the different work charge establishment of the different works department of the State Government become entitle for regularization of their services in the regular establishment as was done in the case of the muster roll workers. State Government is directed to consider the extension of the cut-off date for regularization of the work charge employees in the light of the observations made above as early as possible, in any case within two months from the date of receipt/production of a copy of this order.

5. Notwithstanding the refusal of the Executive Engineer to consider the case of the petitioner for promotion on Class-III post, his case for regularization be considered in the light of the subsequent decision of the State Government extending the cut-off date for regularization of the work charge employees. The writ petition is, accordingly, disposed of.