

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 4158 of 2022

.....
 Bhagwan Ram, aged about 54 years, son of Late Naga Yadav, resident of Sarvodaya Colony, P.W.D. Chowk, Hazaribagh, P.S. Sadar, P.O. & District-Hazaribagh.

..... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand through the Secretary Road Construction Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi.
2. Engineer-in-Chief, Road Construction Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
3. Deputy Secretary, Road Construction Department, Government of Jharkhand, having its office at District Ranchi Project Building, Dhurwa, P.O. & P.S. Dhurwa,
4. Chief Engineer, Road Construction Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi.
5. Superintending Engineer, Road Construction Department, Road Circle, Hazaribagh, P.O. & P.S. Hazaribagh, District - Hazaribagh.
6. Executive Engineer, Road Construction Department, Road Division, Hazaribagh, P.O. & P.S. Hazaribagh, District-Hazaribagh.

..... **Respondent (s)**

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 CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Krishna Shankar, Adv

For the Resp.-State : Mr. Shubham Mishra, A.C. to S.C.(Mines)-II

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15/09.04.2026

1. The instant writ application has been preferred by the petitioner for the following reliefs: -

(a) *For issuance of an appropriate writ, order or direction, particularly a writ in the nature of certiorari for quashing of Memo No. 1336 dated 26.12.1997 (Annexure-2) issued by Respondent No.6, Memo No. 6087 (s) dated*

17.12.2003 (Annexure-7) in light of this affidavit Memo No. 1014(S) dated 09.02.2015 (Annexure-12) issued by respondent No.2, as well as 9.2.2015 (Annexure-12) issued by Respondent No. 2, as well as Memo No. 3051(S) dated 4.10.2021 (Annexure-14) issued under the signature of the Secretary, Road Construction Department, Government of Jharkhand, Ranchi (Respondent No. 1) by which it has been decided to reject the claim for regularization of the petitioner, in gross violation of the order passed by this Hon'ble Court in W.P.(S) No. 171/2004 and in violation of Article 14 of the Constitution of India.

AND

***(b)** For issuance of an appropriate writ, order or direction, particularly a writ in the nature of mandamus commanding upon the respondents to grant the same and similar benefits of regularization of service to the petitioner as granted to other similarly situated Roller Drivers of Deoghar District in terms of the order dated 12.7.2006 passed by this Hon'ble Court in W.P.(S) No. 171/2004 Madan Lal Narone Vrs. State of Jharkhand & Ors. (Annexure-8), by which the service of the writ petitioners of W.P.(S) No. 171/2004, who were also appointed as Roller Driver likewise the present petitioner on daily wages basis after 1.8.1985 in Road Construction Department and were terminated likewise the present petitioner, were regularized as Roller Driver vide Government letter no. 4963(S) dated 3.10.2009 (Annexure-10) by the Road Construction Department, Govt. of Jharkhand following the settled principles of law.*

AND/OR

***(c)** For issuance of such other writ, order or direction as may appear just and proper for doing equitable justice to the petitioner.*

- 2.** From record, it appears that the petitioner was appointed to the post of Chowkidar (Class-IV) on daily-wage basis on 04.10.1985, vide Memo No. 2430 dated 04.10.1985 (Annexure-1 to the writ petition), issued under the signature of Executive Engineer, Road Division, Hazaribagh.

3. The petitioner had earlier approached this Court in C.W.J.C No. 1888 of 1997, wherein he initially prayed for regularization of his services. Subsequently, he filed an amendment application challenging Memo No. 1336 dated 26.12.1997. The said writ petition was disposed of vide an order dated 25.04.2003 with a direction to consider the case of the petitioner and take decision in the matter.

While disposing the said writ petition, this Court did not interfere with the termination order of the petitioner, and the same attained finality. Thereafter, the petitioner again approached this Court in W.P.S No. 2926 of 2015, wherein he chose not to challenge the termination order and confined his challenge solely to the order dated 09.02.2015, by which representation was rejected. Thus, the termination of the petitioner is now barred by the constructive *res-judicata*, and it is not open for him to re-agitate the same before this Court, having accepted the termination by not challenging it in W.P.S. No. 2926 of 2015.

4. Learned counsel for the petitioner has vehemently argued on the point that it was not the fault of the petitioner and his case was rightly disposed of with the direction to the respondents to see the parity and consider this petitioner

with that of those persons who have been regularized and whose case were upheld up till the Hon'ble Apex Court.

5. However, after going through the impugned order, it appears that the case of the petitioner was not sent in view of the fact that the petitioner was terminated in the year 1997 and thereafter the application was filed was that of regularization and on that date, the petitioner was not in service and that is the reason that neither termination order was set aside by any competent Court of law; nor on the date of regularization he was in service; as such the claim of parity is not acceptable to this Court.

6. As stated hereinabove, the claim of the petitioner for parity with Madan Lal Narone and others are concerned; it is misconception that his case falls under their category in view of the fact that the said Madan Lal Narone and other petitioners of W.P.(S) No. 171 of 2004 were in the job on the date of filing of the writ application as against this petitioner who was out of service from 1997; as such no benefit can be given to the petitioner by virtue of order passed in W.P.(S) No. 171 of 2004.

7. From the impugned order, it also appears that the payment has been made to the petitioner for the work done by him pursuant to the order passed in C.W.J.C. No, 1888

of 1997 vide order dated 25.04.2003 and the payment was made on 17.12.2003.

8. As stated herein above, in the said order passed by the Patna High Court in C.W.J.C. No. 1888 of 1997, the Patna High Court has not interfered with the termination order.

9. So far, reference of W.P.(S) No. 3682 of 2010 is concerned; after going through the aforesaid order, it appears that the case was disposed of with the liberty to the petitioner to approach the 1st respondent and the same shall be disposed of. However, there was a discussion on the question of parity in the said order; but unfortunately the case of the petitioner does not fall even under parity and needless to say, that the order passed in the year 2003 has not been modified or set aside.

10. Having regard to the above, no relief can be granted to the petitioner at this stage, accordingly, the instant writ application stands dismissed. However, no cost.

(Deepak Roshan, J)

09.04.2026

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