

**Krishna Kumar Singh Vs. the State of Bihar and ors.**

**Krishna Kumar Singh Vs. the State of Bihar and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/140125](http://sooperkanoon.com/140125)

**Court :** Patna

**Decided On :** Sep-03-2003

**Judge :** Ravi S. Dhavan, C.J. and Shashank Kumar Singh, J.

**Appeal No. :** L.P.A. No. 802 of 2003

**Appellant :** Krishna Kumar Singh

**Respondent :** The State of Bihar and ors.

**Advocate for Def. :** A.K. Singh, S.C. 3

**Advocate for Pet/Ap. :** Chandra Shekhar, Sr. Adv. and Lalan Kr. Singh, Adv.

**Disposition :** Appeal allowed

**Judgement :**

Ravi S. Dhavan, C.J. and Shashank Kr. Singh, J.

1. The delay in filing the appeal is condoned.

2. The contention in the present Letters Patent Appeal, as submitted by learned counsel for the petitioner- appellant, is not so much on the order on the writ petition that he will be evicted from the premises, that is, a Government accommodation. It is contended that as a government servant the petitioner - appellant can hardly resist the occupation of the Government's quarter which may have been allotted to him and subsequently cancelled because his job was

recalled and now the appellant has been transferred from Patna to Munger.

3. Learned counsel points out that the writ petition itself was on an entirely different aspect that having been appointed in 1989 to a department of the Government and the appointment was given as a compassionate appointment, 11 years later this job could not be taken back on the ground that the very appointment was temporary having been made to a work charge establishment.

4. The contradiction is pointed out that if the petitioner-appellant was temporary in a work charge establishment then it can hardly be justified that he can be re-appointed in 2002.

5. The aspect of the quarter then is only a side issue. But whether it is a side issue or not, it definitely a public issue. Big persons with clout, persons in position, government service, connected with government, continue to hold on to government accommodation and there is nothing the State administration can do about it, except to catch the small man. In a matter when the Court questioned the State Government why there is no administration of responsibility in taking control of government accommodation, the Court received an answer that some part of accommodation is not within the control of the officer, who was in charge of it, and otherwise the entire process was frustrated because a large chunk of accommodations were in the charge of two Houses of the Legislature.

6. The unauthorised occupation of powerful persons was acknowledged. But what happens to an ordinary, petty government servant in a Class IV position, who can be virtually be kicked out of a public premises or official accommodation as an unauthorized occupant, in a summary manner The answer now is the State administration.

7. In so far as the petitioner-appellant is concerned he acquiesces to the situation that he cannot hold on to the accommodation if he has been transferred out to another station.

8. Now the matter relating to the main relief in the petition. There is no issue that the petitioner-appellant's appointment had been granted as a compassionate

appointment in 1989; fourteen years ago. When the petitioner-appellant had been appointed he had not been told that his appointment was a temporary or was on a work charge establishment or for that it was liable to be terminated.

9. The petitioner-appellant is by trade a Khalasi. His job is to run a tube well. If the contention of the government is that all the tube wells of Bihar have been switched off under and by the orders of the department known as the Public Health Engineering Department, then indeed, the government may have a case for itself. But if the tube wells are functioning, or are meant to function at the hands of the department, where the petitioner-appellant was given a job, then the manner in which the petitioner's job was switched off after 14 years of service, is only the result of a reckless administration. His services shall be deemed to be continued. Nothing more need to be said to the extent that the main relief had not been considered in the writ petition and on this the petitioner-appellant is not incorrect.

10. The appeal is allowed.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**