

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5967 of 1999

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Pawan Kumar

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondents

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Appearance :

For the Petitioner :

For the Respondents : Mr. Mritunjay Kumar, AC to AAG X

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

26 24-04-2015

No one appears on behalf of the petitioner. I have heard learned counsel for the State of Bihar. On 19.10.2011 also there was no representation on behalf of the petitioner.

The petitioner has sought for a direction from this court for payment of monthly salary which is payable for the post of Typist in the scale of Rs. 1200-1800/- (pre revised) and revised scale with effect from 01.02.1994 applying the doctrine of equal pay for equal work. He has also prayed for a direction to regularize his service on the post of Typist in the Collectorate of Banka in election section in view of his continuous service for a period of nearly five years. However, from the order dated 30.03.2005 passed in this case it appears that the petitioner has dropped the second prayer and confined his relief to the first part only, i.e., for payment of wages.

From the orders dated 24.06.2005, 14.07.2005, 16.09.2005 and 23.03.2006 it appears that this court had directed the respondents to enquire into the matter and had sought for a report dealing with the circumstance in which the petitioner was allowed to continue after completing three months in the election section of the office of Collector, Banka as his engagement was

confined to the said period of three months, with the said scale of Rs. 1200-1800/-.

Pursuant to the orders, counter affidavit has been filed sworn by Commissioner-cum-Secretary, Revenue and Land Reforms Department, Government of Bihar wherein it has been specifically stated that the petitioner was engaged on temporary basis for three months in the scale of Rs. 1200-1800/-. However, thereafter, he was allowed to work as daily wage employee. It has been stated that continuance of the petitioner after completion of three months was wholly illegal.

From the pleadings it appears that the petitioner was allowed to continue after three months on daily wage basis without following any procedure in conformity with Articles 14 and 16 of the Constitution of India. His engagement itself, after completion of three months from the initial date of his appointment, was illegal.

No relief can be granted to the petitioner. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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