

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.901 of 1999

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Arun Kumar Verma, Son of Sri Nand Kumar Prasad, resident of Magadh Colony
(Kurji), P.S.-Digha, District-Patna.

.... **Petitioner/s**

Versus

1. The Managing Director, Biswas Board, West Boring Canal Road, Patna-1.
2. The Secretary, Biswas Board, West Boring Canal Road, Patna-1.
3. The Superintending Engineer, (Headquarter), Biswas Board, West Boring Canal Road, Patna-1.
4. The Administrative Officer, Headquarters, Biswas Board, West Canal Road, Patna-1.

.... **Respondent/s**

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Appearance :

For the Petitioner/s : None

For the Respondent/s : None

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 24-03-2015

The petitioner seeks an order from this Court
restraining the respondents from terminating him from the
services after 06.02.1999.

It is the case of the petitioner that he was engaged by
the respondent-Board (now Bihar Rajya Jal Parishad) on
20.01.1989 as Stenographer on daily wage basis where he
continued to work till 30.04.1989. Subsequently, in view of



the exigency of work, he was again engaged on daily wage basis for the period 29.07.1989 to 28.10.1989. Again he was engaged as such on daily wage basis for the period 01.11.1989 to 31.01.1990. The Superintending Engineer of the Board is said to have made request for retaining the petitioner's service for another ninety days even after 31.01.1990 and in anticipation of the approval the petitioner continued to work on daily wage basis. Thereafter, the petitioner was allowed to work from 01.02.1990 to 30.04.1990. Again the petitioner work for the period 01.05.1990 to 06.10.1990 on daily wage basis. Again for the period 17.04.1991 to 16.11.1991, the petitioner was allowed to work. Thereafter, the petitioner is said to have worked for the periods 07.12.1991 to 31.07.1992, 01.08.1992 to 30.06.1993, 01.07.1993 to 31.05.1994 and 01.06.1994 to 02.08.1994 on daily wage basis. It has been asserted by the petitioner that since 03.08.1994, he has been working as Personal Assistant to the Secretary of the Board. It is his grievance that vide Order No. 7/39 dated 07.01.1999, he has been asked to work as Personal Assistant on daily wage basis to respondent no. 2, on contract basis, for the period 07.12.1998 to 06.02.1999. It is in this background that the petitioner has filed the present writ application seeking an

order from this Court in exercise of jurisdiction under Article 226 of the Constitution of India to restrain the respondents from terminating the service of the petitioner after 06.02.1999.

A counter affidavit has been filed on behalf of the respondent no. 2. It has been stated in the said counter affidavit that the petitioner was engaged on purely daily wage basis, as per the exigency of work. His engagement was extended from time to time for purpose of a project work. It has been further stated that the Bihar Rajya Jal Parishad has no source of its own income and depends on the funds sanctioned by the State Government. Since the funds sanctioned by the State Government are not sufficient, the establishment cost is being curtailed and services of many employees engaged in division/departments are being returned to their parent department, according to the respondent-Board. It has also been stated in the counter affidavit that no selection procedure was followed for engaging the services of the petitioner on daily wage basis and the petitioner does not have any right for regularization.

From the facts covered in the writ application itself, it is evident that the petitioner was engaged on daily wage basis as per the exigency of work. I do not find any material on

record which can be said making out the case for a direction from this Court to the respondents as sought for in the writ application. From the counter affidavit it is evident that the respondent-Board/Parishad, because of its financial constraints is not in a position to engage the employees and is repatriating employees on deputation to their parent department.

In view of the above, I do not find any merit in this writ application. Accordingly, it stands dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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