

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2084 of 2014

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1. Yugesh Ram S/O Harishankar Ram @ Shankar Ram Resident Of Village- Redia, Post- Jhumar Dihra, P.S.- Barun, District- Aurangabad
 2. Shit Paswan @ Shit Ram S/O Ramdas Ram Resident Of Village- Redia, Post- Jhumar Dihra, P.S.- Barun, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Secretary, Environment and Forest Department Bihar, Patna
3. Special Secretary, Environment and Forest Department, Bihar, Patna
4. Prime Chief Forest Conservator, Bihar, Patna
5. Regional Chief Forest Conservator, Patna
6. Divisional Forest Officer, (Aurangabad), Forest Division, (Aurangabad)
7. Forest Conservator, Gaya Circle (Gaya)
8. District Magistrate, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. GP-22 Gayan Prakash Ojha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-09-2015

29.09.2015

Heard learned counsel for the parties.

Petitioners are seeking regularization under the State-authorities, since it is their claim that they have been working on daily-wage since 1987. They want a direction upon the respondents to consider their case for regularization.

The respondents in their counter affidavit have categorically denied the working or continuance of the petitioners under the respondents, much less the Aurangabad Forest Division. It is their categorical stand

in the counter affidavit that the petitioners were engaged as tree guards under a scheme envisaged by the Central Government for soil conservation of river Punpun. That scheme was closed in the year 1999 and thereafter the petitioners were disengaged. Their engagement was neither against any regular sanctioned post or that they have continued thereafter in any capacity. The assertion in the writ application that they are working under the Aurangabad Forest Division is also denied, because Aurangabad Forest Division came into existence in the year 2003. Therefore, after closure of the scheme in the year 1999, it can't be anybody's case that they came to be transferred four years thereafter in a division, which was yet to be created.

The nature of engagement of the petitioners being such, they are not daily-wagers under the respondent-State authorities. Therefore, there cannot be any direction for regularization of the petitioners.

In view of the aforesaid facts and circumstances, writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

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