

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7661 of 2014

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Ramadhar Singh son of Sri Kri Krishna Singh, resident of Village-
Ragharpura, P.S. Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Personnel and Administrative Reforms Department, New Secretariate, Patna.
2. The Secretary, Minor Irrigation Department, Government of Bihar, New Secretariat, Patna.
3. The Chief Engineer, Minor Irrigation Department, Muzaffarpur.
4. The Superintending Engineer, Minor Irrigation Department, Muzaffarpur.
5. The Executive Engineer, Minor Irrigation Department, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh
For the Respondent/s : Dr. Anil Kumar Upadhyay, SC-20
Mr. Naresh Prasad, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 11.01.2013 (Annexure-13) passed by the respondent Executive Engineer, Minor Irrigation Department, Sitamarhi whereby the claim of the petitioner for payment of his arrears of daily wages for the period from 31.03.1999 to 04.01.2001 has been rejected.

It appears that the petitioner was earlier engaged on daily wage basis, but subsequently he was disengaged from the post w.e.f. 15.01.2002. According to the petitioner, his daily wage for some period was not paid to him by the competent authority. In that view of the matter, the petitioner had earlier approached this Court in C.W.J.C. No. 1376 of 2009 seeking a direction to the respondents for payment of his arrears of wages for the period from 30.03.1999 to 05.06.2001. The aforesaid writ petition was finally disposed of with a

direction to the competent authority to decide his claim. In the light of the aforesaid direction, the case of the petitioner was considered and he has been paid his wages for 30.03.1999 as also for the period from 05.01.2001 to 05.06.2001. However, his claim for payment of arrears of daily wages for the period from 31.03.1999 to 04.01.2001 has been rejected on the ground that there was no material/record available to show that in fact, he discharged his duty during the aforesaid period.

A counter-affidavit has been filed on behalf of the respondent no. 2 to 5 resisting the prayer made on behalf of the petitioner. Learned SC-20 appearing on behalf of the respondents, by referring to the averments made in paragraph-7 and 8 of the aforesaid counter-affidavit, submits that since there is no document available in the office to show that the petitioner, in fact, discharged his duty during the relevant period on daily wage basis, therefore, according to him, the claim of the petitioner has rightly been rejected.

Learned S.C. 20 appears to be correct.

In absence of any document to show that the petitioner had worked even on daily wage basis during the relevant period, no direction can be issued for payment of his wages for the said period. The claim of the petitioner seems to be untenable. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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