

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15114 of 2007

- =====
1. Urmila Devi W/o Sri Amit Ranjan @ Bhim Sharma, resident of Mohalla- Fulwari Sarif Chunoti Kuan, P.O.+ P.S. Fulwari Sarif, District Patna.
 2. Umesh Kumar S/o late Sri Chaitu Lal, resident of Mohalla Mahatma Gandhi Nagar, Sri Hari Vidhya Niketan, P.S. Agam Kuan, P.O. Bahadurpur, Dist. Patna.
 3. Dharam Singh S/o late Madhu Ram, resident of Mohalla- Mithapur, Kannulal Road, H/O Kauleshwari Bhawan, P.O. G.P.O. P.S. Jakkanpur, Dist. Patna
 4. Anil Kumar S/o Jugeshwar Pd. Resident of Mohalla Balipur, P.O. + P.S. Bardh, Dist. Patna

.... Petitioners

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar, Old Secretariat Building Patna.
2. The Commissioner-cum-Secretary to the Govt. Industries Department, New Secretariat Building Bihar, Patna.
3. The Director Industries, Govt. Of Bihar directorate of Industries, New Secretariat Building (Vikash Bhawan) Patna.
4. The Deputy Secretary, Department of Industries Bihar, Patna, New Secretariat Building, Patna.
5. The Additional Director, Industries Department, New Secretariat Building, Patna.
6. The Under Secretary to the Govt. of Bihar, Industries Department New Secretariat Building, Bihar, Patna.
7. The General Manager, District Industries Centre Patna, Industrial Bhawan, Gandhi Maidan, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate.

For the Respondent/s : AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 08-05-2015

Heard the parties.

The petitioners claim to have been engaged on daily wage basis by the respondents. It is the assertion that they were engaged against sanctioned post(s) by the appropriate authority. However, the pleadings in this regard are vague.

From the engagement orders enclosed as Annexure 1



series it appears that petitioner no.1 was a student of the centre who after retirement of the night Guard was allowed to work on daily wage basis in the same salary w.e.f. 10.10.1984. In the case of petitioner no.2, he was engaged during the period of seminar for three months as daily wage labour on payment of Rs. 15/- per day. Petitioner no.3, namely Dharam Singh was similarly engaged by the General Manager of the District Industries Centre on Daily wage basis at the rate of 10 per day for a period of three months. There is no document to show that their engagement was renewed/extended. On the basis of some other documents, learned counsel for the petitioners tried to demonstrate that they were allowed to continue. Petitioner nos. 1 to 3 continued till 1990 whereas petitioner no.4 was allowed to continue till 2007. From Annexure-2, it appears that the local officer i.e. General Manager, District Industry Centre, Patna, forwarded the list of 4th grade employees to the Additional Collector, Patna which contains the names of the petitioner nos. 1 to 3 .

The contention of the petitioners is that in the light of the Government resolution issued in the Department of Personnel and Administrative Reforms, dated 10.05.2005 (Annexure-3) they would be entitled to at least consideration of their case since the cut- off date has been extended from 1.8.1985 to 11.12.1990. This Court on the basis of pleadings on record is unable to find as to whether the

petitioners would be entitled to such consideration as there is absolutely scanty material to demonstrate that they continued for the number of days as is required under the said resolution of the Government on daily wage basis or even otherwise. It is further submitted that in the matter of granting regularization the respondents have discriminated the case of the petitioners. I am unable to find substance in the said submission of the counsel in view of the inadequate pleadings on the record. The relief sought for in the application is to direct consideration of their cases by the competent/appropriate authority for regularization if the State Government continue to give effect to the said resolution of the Government (Annexure-3).

In my opinion, the ends of justice shall be sub served if the petitioners are granted liberty to make a representation in this regard for consideration and disposal in accordance with law by the competent/appropriate authority which, according to the petitioners, is the Director, Department of the Industries, Govt. of Bihar (respondent no.3). I order accordingly.

The application is disposed of.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--