

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14377 of 2013

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1. Ravindra Nath Prasad, son of late Rajendra Prasad, resident of village- Madhurapur, Police Station- Pipra, District- East Champaran.
 2. Sheomangal Hazra, son of Raj Kumar Paswan, resident of Mohalla- S.K. Nagar, Police Station- Motihari Town, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer-In-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Department, Mechanical Circle, Muzaffarpur At Muzaffarpur.
5. The Executive Engineer, Public Health Engineering Department, Mechanical Division, Muzaffarpur At Muzaffarpur

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Uma Kant Shukla, Adv.

For the Respondent/s : Mr. Amaresh Kumar Sinha, A.C. to G.A.-1.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 02-12-2016

Heard learned counsel for the petitioners and learned counsel for the State.

2. In this case, only limited prayer has been made for grant of salary from June, 2002 to November, 2006 and also annual increment from 2006 upto the date of filing of this writ application.



3. The petitioners have entered into the service on muster roll on 01.05.1980 and 01.02.1982 respectively and later on, they were made work-charge employee on 31.1.1988 and were absorbed as Pump Operator on regular pay with annual increment and all other facilities as permissible to the employees of the work-charge establishment. G.P.F. accounts of the petitioners were also opened and deductions were made regularly, but in the year 2002 they were reverted from work-charge establishment to daily wagers.

4. Against the action of the respondents, similarly situated employees approached this Court in C.W.J.C. No.7359 of 2002 and other analogous cases. The said writ applications were disposed of by this Court by a common order and directed the respondents to constitute a Committee and examine the respective cases of the employees in terms of the judgment of the ***Secretary, State of Karnataka and others v. Umadevi and others, (2006) 4 SCC, 1*** and take decision in accordance with law. In pursuance of the aforesaid order, the cases of the petitioners and others were considered and the services of both the petitioners were made regular on the permanent post on 30.11.2006 and 5.12.2006 respectively.



5. In the present case, the question would arise whether the petitioners are entitled to the salary for the period they were kept as daily wagers. This issue has already been gone into by this Court in C.W.J.C. No.7211 of 2013 and other analogous cases, there the Court has taken a view that they have discharged the duty as work-charge employee for a long time, thereafter they reverted and again regularized, which itself made them entitled to salary of the period they were forced to discharge the duty as daily wagers. Accordingly, the Court has directed for payment of salary for the period the petitioners were asked to discharge the duty as daily wagers.

6. In pursuance of that judgment, the Government of Bihar has also taken a policy decision vide Memo No.925 dated 16.11.2013, where it has been decided that the persons who were work-charge employees reverted and later on they were regularized will be entitled to the salary for the period of reversion and the period spent by them as daily wagers will also be taken into consideration for the purposes of pension and A.C.P.

7. As this issue has already been covered by the aforesaid judgment and the Government has also taken policy decision by Memo No.925 dated 16.11.2013, in such a situation, the petitioners



are also entitled to the salary for the period from 1st June, 2002 to November, 2006 including the annual increment, if already not given to the petitioner. Needless to observe that if the petitioners have already received the annual increment, there is no question of any further annual increment.

8. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.12.2016
Transmission Date	

