

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1810 of 2015

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1. Prem Kumar Sinha S/O Late Raj Kishore Prasad, Resident of Village-Dariyapur, P.O+P.S-Mittanchak, Parsa Bazar, Distt.-Patna, Pin-804453
 2. Umesh Singh S/O Late Ram Pravesh Singh, Resident of Village-Fatehpur, P.S-Didarganj, Distt.-Patna
 3. Jayanandan Singh son of Sri Chamari Singh, Resident of Village-Allawalpur, P.S-Gaurichak, Distt.-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Executive Engineer, Flood Control Division, Samastipur, District-Samastipur
4. The Chief Engineer, Water Resources Department, Samastipur, District-Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi
Mrs. Shally Kumari

For the Respondent/s : Mr. Anil Kumar Sinha, Ac to SC5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-02-2016

Some litigation must come to an end and it cannot be of an ongoing kind. The kind of relief which the petitioners are looking for had been asserted even earlier in the decade of 90s of the previous century and has been going on even in this century without any basis.

Assertions of these petitioners are that they were engaged and appointed as daily wagers and they had been working uninterruptedly. They also derived benefit of minimum pay-scale at a point of time which on the intervention of the Hon`ble Supreme Court was taken away. Repeated writ applications for regularization did not

beget them any relief except for a direction for consideration. The last of the order passed in this regard again for consideration has culminated in the rejection of the claim of the petitioners by the impugned order, contained in Annexure-13, dated 15.01.2014.

It cannot be the case of these petitioners that their claim had not been considered earlier. Petitioners were given liberty to place their case before a Three Member Committee constituted on the basis of judicial direction issued by the High Court. But the petitioners, despite notice and publication of notice even in the newspaper, did not participate or appear or assert their right before the Three Member Committee. The Committee therefore rejected their claim as invalid and without any basis. They have not worked for a long period of time after their claim did not find favour.

Even reading of Annexure-13 would indicate that there is no document to support the engagement of the petitioners against the vacant sanctioned post or by any competent authority at any point of time. Except for series of some orders and observations here and there, there is nothing to accept the position that petitioners' engagement justified their claim for regularization, even in terms of the guidelines issued by the Constitution Bench in Uma Devi's case.

In view of the above, the Court is not willing to give any further opportunity which the petitioners did not avail of in the past

and in the given facts and the nature of engagement and continuance,
as is their assertion, which is not supported by any records available
with the respondents.

Writ application, therefore, is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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