

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9431 of 2011

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Rajiv Kumar Bhagat Son of Jagdish Bhagat, resident of village- Amarpur,
P.O.- Amarpur, P.S.- Amarpur, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home (Spl.) Govt. of Bihar,
Patna
3. The Inspector General (Prisons), Bihar, Patna
4. The Director (Administration), Jail Inspection, Home, Jail Department,
Bihar, Patna
5. The Superintendent, Central Jail, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Mr. Birendra Kumar
For the Respondent/s : AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 10-03-2016 Heard Sri Sanjay Kumar, learned counsel who was

assisted by Sri Birendra Kumar, learned counsel for the petitioner

and learned AC to GP No. 2.

The petitioner invoking writ jurisdiction of this court
under Article 226 of the Constitution of India has prayed for a
direction to the respondents to pay minimum time scale of pay
to the petitioner as similarly situated persons are getting and
direct the respondents to treat the petitioner on parity with others.

It has been claimed that petitioner was engaged as daily
wager however other similarly situated persons were being
provided pay scale but petitioner was not being given the same

benefit and as such the petitioner has approached this court invoking its inherent jurisdiction.

In this case a counter affidavit has been filed on behalf of the respondents and a specific stand has been taken that the petitioner had worked in the Central Jail, Gaya till July 2010 itself. The petitioner was engaged considering the need to the Jail at the relevant time on daily wages basis. A specific stand has been taken that for the period petitioner had worked he has already been paid requisite remuneration.

Despite the fact that in the counter affidavit a specific stand has been taken that the petitioner was engaged as daily wager on the basis of need of work and he has already been paid for his work done and after 2010 no work is being taken from the petitioner, no reply has been filed.

In view the nature of engagement of the petitioner as daily wager and the fact that he has already been paid and presently he is not functioning there is no need to pass any positive order in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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