

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2 of 2017

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Ranjan Yadav @ Ranjan Kr. Yadav, son of Bindeshwari Yadav, Resident of Village - Belori, P.S. - Sadar Muffasil Rani Patra, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, P.H.E.D. Bihar, Patna.
2. The District Magistrate, Katihar.
3. The S.D.O. Barsoi, District - Katihar.
4. The Executive Engineer P.H.E.D. Purnea.
5. The Block Development Officer, Kadwa, P.S. Kadwa, District - Katihar.
6. Sikandar Prasad Singh, son of Late Ful Kumar Singh, Resident of Village - Kumhari, P.S. Kadwa, District - Katihar.
7. Md. Jamshed Alam, son of Md. Idrish, Resident of Village - Dena Bhatgam, P.S. - Azam Nagar, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma, Adv.
Suresh Prasad Sah @ Baranwal, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-06-2017

Heard Mr. Nagendra Sharma, learned counsel appearing on behalf of the petitioner. There is no representation on behalf of the State.

Although the writ petition was filed seeking appropriate direction to the respondents to regularize the services of the petitioner on the post of Pump Operator bearing in mind that the petitioner has been discharging such duties since 2013 but it is also stated that certain dues of the petitioner also remains pending for payment.

It is the case of the petitioner that having been engaged as



a Pump Operator on daily wage basis at Kumhari, the petitioner continued from 10.5.2013 to 31.7.2015 and during which period he has also got a wage enhancement. It is stated that in 2015 the petitioner was replaced by one Sikandar Prasad Singh vide Annexure-3 and shifted to Baisi Gulabbagh but where the pump is out of order. According to the petitioner, even the said Sikandar Prasad Singh has been removed and has been replaced by respondent no.7 on 1.8.2016. In reference to the request made by the villagers before the Block Development Officer at Annexure-4 as well as the letter of the Block Development Officer, Kadwa addressed to the Executive Engineer, Public Health Engineering Division, Purnea dated 11.8.2015 at Annexure-5, learned counsel submits that the requirement of services of the petitioner is manifest and his work has been found to be satisfactory but yet he remains out of work.

A counter affidavit is on record in which the engagement of the petitioner is not disputed rather it is admitted that he was engaged on temporary basis as a casual semi-skilled labour. It is further admitted that the engagement was in exigency of service and the petitioner was posted at Baisi Gulabbagh where the transformer has got burnt. In paragraph 10 of the counter affidavit the Executive Engineer who is the deponent has admitted that deliberation has taken place for engagement of semi-skilled worker vide memo



No.1335 dated 11.5.2015, a copy of which has been placed on record vide Annexure- A.

In the circumstances discussed and where the engagement of the petitioner has not been disputed rather Annexures 4 and 5 to the writ petition would show that the requirement is present and services of the petitioner has been found satisfactory, in view of the decision present at Annexure-A the Executive Engineer, Public Health Engineer Division, Purnea, respondent no.4 may consider the prayer of the petitioner for engagement and dispose of the same in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

The petitioner while filing his claim for engagement may also draw the attention of the Executive Engineer towards pending claim and which shall be also considered along with the engagement request and disposed of in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06-07-2017
Transmission Date	NA

