

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13231 of 2008

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Aswani Kumar Jha, son of Sri Ram Swaroop Jha, resident of village –
Muzaffarganj, P.S. Haveli Kharagpur, District –Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Munger Division,
Munger
2. The District Magistrate, Munger
3. Sub Divisional Officer, Kharagpur, Munger Division Munger
4. Sub Divisional Officer, Tarapur, Munger division, Munger
5. Joint Secretary, Road Construction Department, Government of Bihar,
Patna
6. The Executive Engineer, Road Construction Department , Government
of Bihar, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar
Mr. Roushan Kumar Mishra
For the Respondent/s : AC to A.A.G. No. 3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 08-05-2017 Heard Sri Krishna Kumar , learned counsel , assisted

by Sri Roushan Kumar Mishra, learned counsel for the petitioner

and learned AC to A.A.G. No. 3.

The petitioner, has approached this Court with a prayer
to direct the respondents to regularize the petitioner on the post
of Road Roller Driver .

It has been claimed that petitioner till the date of filing
of the present writ petition was working as Road Roller Driver. In
the writ petition petitioner has not brought on record any letter to
show his appointment. Further it is admitted fact that petitioner
was working on daily wages basis as Road Roller Driver.



In this case, counter affidavit was filed earlier on behalf of the respondent no. 6 . In the earlier counter affidavit filed on behalf of the respondent no. 2, 3, 4 and 6 a specific stand was taken in paragraph no. 15 of the counter affidavit that petitioner had not worked continuously for 240 days and as such , in view of Government resolution, there was no question for his regularization. However, learned counsel for the petitioner tried to dispute the allegation made by the respondents. He reiterates that petitioner had worked, but it has not been disputed by learned counsel for the petitioner that petitioner was working as daily wager.

Considering the fact that petitioner had worked as daily wager, there is no point for considering his case for regularization.

The petition stands dismissed.

It goes without saying that if still any admissible wages is pending, the respondents will take immediate steps for clearing the wages of the petitioner without any delay.

(Rakesh Kumar, J)

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