

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16615 of 2008**

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Abdhesh Choube, son of Sri Paras Nath Choube, resident of village-Panapur, P.O.-  
Nouhatta, P.S.-Belaon, District- Kaimur (Bhabhua)

.... .... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Secretary, Department of Personnel and Administrative Reforms,  
Government of Bihar, Patna.
4. The District Magistrate, Kaimur (Bhabhua)
5. The Deputy Development Commissioner, Kaimur at Bhabhua.
6. The Deputy Collector, Establishment, Kaimur (Bhabhua).
7. The Block Development Officer, Rampur, Kaimur at Bhabhua.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Arbind Nath Pandey, Adv.

For the Respondent/s : Mr. Utsav Kumar, A.C. to G.A.-4

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 13-11-2017**

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

2. Learned counsel for the petitioner is permitted to make  
necessary correction in the affidavit portion of supplementary  
affidavit filed by the petitioner.

3. In the present case, the petitioner is claiming two  
reliefs; first for regularization of service and second for payment of



wages for the period November, 1995 to 21.07.1996, from 01.04.2000 to 25.12.2005 and from 01.01.2006 to till the date of filing of the writ application.

4. Learned counsel for the petitioner has submitted that the petitioner is working as Jeep driver on daily wages basis and time to time the work was taken, he was also engaged during the election period, which is apparently clear from the letter dated 27.01.2000 itself reflects the approval for engagement of the petitioner as Jeep driver. It has further been submitted that the petitioner had performed the duty of Jeep driver from November, 1995 to 21.07.1996, from 01.04.2000 to 25.12.2005 and from 01.01.2006 to till the date of filing of the writ application.

5. Learned counsel for the petitioner has further submitted that as the petitioner has been working for long period he is entitled for absorption of service. He has placed reliance on the finding recorded by the Secretary, Bihar Vidhan Parishad, wherein learned Secretary has found that the petitioner had worked 1740 days, entitled to Rs.1,28,341/-, but in the said paragraph direction was given to the District Magistrate to recover the amount from the Block Development Officer and also recorded that the document with respect to petitioner are not sufficient to take decision in the



matter of regularization of service.

6. In support of authentication of work as Jeep driver, learned counsel for the petitioner has placed reliance on the letter dated 27.01.2000 and 27.07.2005 wherein the petitioner was directed to perform the duty as Jeep driver.

7. Whereas, learned counsel for the State has taken stand that the petitioner was engaged privately by the Block Development Officer, Rampur, the competent authority for appointment is the Staff Selection Board and as such, any work taken from the petitioner by the Block Development Officer, Rampur, will be treated as personal work inasmuch as the Block Development Officer, Rampur, namely, Ravindra Singh, has also been directed to pay an amount of Rs.49,350/- in the treasury within 24 hours and as such, the petitioner had not entered into the service legally and is not entitled for the relief of regularization of service. However, the petitioner should be paid for the work he has discharged.

8. Having considered the rival contentions of the parties, it is an admitted fact that the petitioner was engaged as Jeep driver on daily wage basis and from time to time he was called by different authorities to drive the vehicle as is evident from the letter of the



Deputy Collector and the Collector. It also appears from the letter of the Additional Collector that he was asked to perform the duty as Jeep driver during the election period. It also appears from the order of the Secretary, Bihar Vidhan Parishad, wherein it has been recorded that the petitioner had worked for 1740 days, is entitled to Rs.1,28,341/-. This finding has been recorded after examining all records pertaining to the petitioner.

9. In such view of the matter, this Court is refraining to pass any order for regularization of service in favour of the petitioner. However, this Court directs the District Magistrate, Kaimur (Bhabhua) to examine the case of the petitioner with regard to payment as document perfectly reflects that the petitioner had discharged the duty as Jeep driver is clear from finding recorded by the Secretary, Bihar Vidhan Parishad as well as letter of the Deputy Collector dated 27.01.2000 and the letter of the Collector, itself show that the petitioner was engaged as daily wager. The documents which the petitioner has attached with the writ application show the signature of Additional Collector, District Election Officer and the letter of the District Magistrate, Bhabhua corroborating the fact that the petitioner had performed the work as Jeep driver.



**10.** For convenience, let the petitioner file a detailed representation before the Collector, attaching the supporting materials. If such a representation is filed, the Collector will call all the records concerning Election Department or other concerned department and after verifying the same make payment of admitted dues within three months from the date of filing of representation by the petitioner.

**11.** At this stage, it has been submitted by the learned counsel for the petitioner that the petitioner is still working as Jeep driver in the Office of the District Magistrate, Kaimur. This fact is to be verified by the District Magistrate and if it is found that the petitioner is still working in the office, in such circumstance, while preparing the new panel, the petitioner will be given relaxation of age.

**12.** With the aforesaid observations and directions, this writ application is disposed of.

**(Shivaji Pandey, J)**

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