

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8858 of 2014

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1. Gouri Shankar Mahto Son of Late Raghunath Mahto Resident of Village -
Ekarahia, P.O. - Sirrisia, P.S. - Chanpatia, District - West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Valmiki Nagar.
4. The Superintending Engineer, Tirhut Canal Circle, Raxaul.
5. The Executive Engineer, Triveni Canal Construction Division, Narkatiaganj.
6. The Sub Divisional Officer, Triveni Canal Construction Sub Division,
Narkatiaganj, West Champaran.

7. The Assistant Labour Commissioner, Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharendra Kumar Jha, Adv.

For the Respondents : Mrs. Binita Singh, SC XXVIII with Mr. Kumar Kamal
Nayan, AC to SC XXVIII

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 03-11-2017

Heard both sides.

2. The petitioner seeks direction to the respondents to consider the case of the petitioner for his regularization with effect from 17.02.1995 on which date the petitioner's service as daily wages employee was terminated.

3. Brief facts is that the petitioner was appointed in the month of August, 1981, as Ameen in Water Resources Department, Government of Bihar. The petitioner was terminated on 16.07.1983. The petitioner moved before the Labour Court in Reference No. 4 of 1985. The Labour Court vide award, dated 10.01.1991, directed for reinstatement of the petitioner with back wages and in pursuance thereof the petitioner was reinstated in service, but, again, the petitioner was removed from service with effect from 17.02.1995. The petitioner filed C.W.J.C. No. 8301 of 1995 and this Court vide order, dated



09.04.1997, directed the respondents to pay the back wages and at the same time did not interfere into the order of termination of the petitioner giving liberty to the petitioner to move before the Labour Court or Industrial Tribunal. The petitioner, thereafter, filed cases before the Labour Court and notice was issued, but, the petitioner was not reinstated in service.

4. The learned counsel for the petitioners submits that the Secretary, Water Resources Department, wrote letter to all the Chief Engineers of Water Resources Department on 18.04.2008 for disposal of the representation of Class III and Class IV employees. The Executive Engineer, Triveni Canal Construction Division, Narkatiaganj, West Champaran, wrote letter to the Superintending Engineer on 12.08.2009 stating the name of the petitioner and those who were working on daily wages. It is submitted that name of seven persons appeared in the aforesaid list (Annexure 12) out of which two persons, namely, Amresh Chandara Prasad and Shiv Pujan Ram have been regularized. The petitioner may also be regularized as Ameen.

5. The respondents filed counter affidavit and stated that the case of the petitioner stands on different footing. The name of the petitioner and other two persons, namely, Amresh Chandara Prasad and Shiv Pujan Ram, who were retrenched with effect from 17.02.1995, but, they were reinstated in service vide order, dated 13.10.1988 and 05.08.1988 passed in Reference No. 1 of 1996 and Reference No. 2 of 1996 with full back wages. In pursuance thereof, both the employees were reinstated in the year 2010 and since then they were working,



therefore, their services were regularized, but, the petitioner is not working till date and his service was terminated in the year 1995. It appears that of course the petitioner was working as daily wages Ameen in the year 1991 along with Amresh Chandara Prasad and Shiv Pujan Ram and others. The petitioner was terminated from service, but, the petitioner was reinstated in service in pursuance of the order passed by the Labour Court in Reference No. 4 of 1985. The petitioner continued to work as daily wages Ameen till 16.02.1995, but, he was, again, removed from service with effect from 17.02.1995 and since then the petitioner is not working on daily wages.

6. The petitioner filed C.W.J.C. No. 8301 of 1995 against his termination and back wages. This Court vide order, dated 19.04.1987, ordered for back wages to the petitioner, but, did not interfere into the order of retrenchment of the petitioner. After twenty-two years, the petitioner filed this writ petition for his reinstatement with effect from the date of his retrenchment, i.e., 17.02.1995, therefore, I do not find any merit in this petition.

7. Accordingly, this petition is **dismissed**.

(Prabhat Kumar Jha, J)

SA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.11.2017
Transmission Date	N/A

