

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4766 of 2014

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1. Kapil Choudhary S/o Late Basanti Choudhary, resident of village Godapur, P.S. Nawada, District Nawada.
 2. Gorakh Paswan S/o Sri Rajdeo Paswan, resident of village Rajendra Nagar, P.S. Nawada, District Nawada.
 3. Suresh Prasad S/o Late Ram Chandra Prasad Yadav, resident of village Mangar Bigha, P.S. Nawada, District Nawada.
 4. Mahesh Prasad S/o Late Agnu Rai, resident of Dariyapur, P.S. Athamalgola, District Patna.
 5. Shiwadhar Singh S/O Late Kripal Singh, resident of village Sirdallah, P.S. Sirdallah, District Nawada.
 6. Md. Anwar S/O Md. Safik, resident of P.H.E.D. Office, P.S. Nawada, District Nawada.
 7. Balmukund Prasad S/O Late Tulsi Prasad Chouhan, resident of village Sahdeo Chak, P.S. Nawada, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Nirman Bhawan Campus, Bailey Road, Patna.
2. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Nirman Bhawan Campus, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Nirman Bhawan Campus, Bailey Road, Patna.
4. The Regional Chief Engineer, Public Health Engineering Department, Patna.
5. The Executive Engineer, Public Health Engineering Division, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramendra Nath Mukhopadhyaya, Adv.
For the Respondent/s : Mr. M.K.Singh, SC-6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 31-07-2017 Heard both sides.

The petitioners filed this writ petition for a direction to the respondent to engage the petitioners on daily wages, as the services of the petitioners were terminated on the ground that they are appointed after 11.12.1990.



Mr. Ramendra Nath Mukhopadhaya, learned counsel for the petitioners filed second supplementary affidavit today and submitted that the Executive Engineer, P.H.E.D. Purnea engaged 15 persons on daily wages, vide Annexure 15 to this writ petition, and all are newly engaged labourers.

It is submitted that in view of the direction as contained in letter no.110/2012-01 dated 01.01.2014 (Annexure-2 to this writ petition) no person, who had worked earlier, should be engaged.

Learned counsel for the respondents submits that 15 local people were engaged by the Executive Engineer, P.H.E.D., Purnea, the petitioners shall also be engaged on daily wages.

Having considered the submission of the parties, I dispose of this writ petition with a direction to the respondents that whenever there is requirement of daily wages employee, the petitioners should be given preference to work on daily wages, as they had worked after 11.12.1990, till their termination.

(Prabhat Kumar Jha, J)

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