

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.211 of 2017

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1. Sita Ram Singh Son of Yugal Singh Post - Nalkup Khalasi Public Health Engineering Department, Aurangabad, Office - Aurangabad, District - Aurangabad (Bihar).
 2. Irshad Ahmad Son of Habid Hussain Post Key Man-cum-Chowkidar/Plumber Khalsi, resident of Mohalla - Kabir Mohalla Nawadih Road, Aurangabad, P.S. & District - Aurangabad (Bihar). At present Public Health Engineering Department Aurangabad, Office Aurangabad, District - Aurangabad (Bihar).
 3. Shiv Nandan Prasad Son of Late Chamari Mahto Post-Keyman-cum-Chowkidar, Public Health Engineering Department, Aurangabad, Office Aurangabad, District - Aurangabad (Bihar).

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Engineer-in-Chief Special Secretary (Mechanical) Public Health Engineering Department, Bishweshwaraiya Bhawan, Bailey Road, Patna.
6. The Chief Engineer (Mechanical), Public Health Engineering Department, Bishweshwaraiya Bhawan, Bailey Road, Patna.
7. The Superintending Engineer, Public Health Engineer Circle, Gaya.
8. The Executive Engineer, Public Health Division, Aurangabad, Bihar.

.... Respondents

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Appearance :

For the Petitioners : Mr. Amarendra Kumar singh, Advocate
Mrs. Asha Verma, Advocate
For the State : Mr. Lalan Kumar, A.C. to G.P.9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-09-2017

Heard Ms Asha Verma, learned counsel for the petitioners
and Mr. Lalan Kumar, A.C to G.P.9 for the State.

The petitioners seeks parity of pay scale with the persons
whose names appear in the order bearing Memo No.646 dated



10.6.1988 whereby these persons had been absorbed in Work Charge Establishment. According to the petitioners, the persons whose names figure in the order dated 10.6.1988, are daily wagers like the petitioners but were absorbed in work charged establishment. The petitioners raised their grievances for similar relief but instead of considering their grievance of being absorbed in Work Charge Establishment that their services were terminated vide order dated 13.4.2002, vide Annexure-2, however the said order was subsequently recalled on 8.9.2002 vide Annexure-3.

Ms Verma, learned counsel for the petitioners does admit that subsequently the services of these petitioners has been regularized, vide order bearing Memo No.1205(A) dated 1.12.2006 at Annexure-5 but there is disparity in the pay scale.

Mr. Lalan Kumar, learned Assistant Counsel to G.P.9 informs that while the persons in Annexure-1 were brought under work charge establishment vide office order no.55 dated 10.6.1988, these petitioners have been regularized after lapse of 18 years on 1.12.2006 and thus they cannot seek parity with those regularized earlier.

Having heard learned counsel for the parties, I am of the opinion that the submission of learned counsel for the State is worthy of acceptance. Merely because the order at Annexure-5 includes the



name of the persons at Annexure-1 as well, would not place the petitioners at parity because while the persons whose names figure in Annexure-1 were brought in the Work Charge Establishment on 10.6.1988, the petitioners have been regularized much later on 1.12.2006.

Though Ms Asha Verma, learned counsel for the petitioners in last minute effort informs that the persons who had been absorbed in Work Charge Establishment vide Annexure-1 were reverted as daily wagers but were again brought in the regular establishment vide Annexure-5 but in my opinion the very fact that while those persons had been absorbed in the Work Charge Establishment way back in 1988, the petitioners were regularized in 2006 and thus their brief disturbance in status which was restored subsequently, cannot give a cause of action to the petitioners to seek parity with them. The grievance raised is misconceived.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-10-2017
Transmission Date	

