

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5439 OF 2017

DATED : 17.02.2017

Between :

Basawa Parasharamulu S/o.B.Lachaiah,
Aged 60 yrs, Occu : Daily Wage Worker,
Community Health Nutrition Cluster (CHNC),
Miryalaguda, Nalgonda District, Telangana State.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Health Medical & Family Welfare (F1) Department,
Telangana Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.5439 OF 2017****ORDER :**

Heard. With the consent of both counsel, this writ petition is disposed of at the admission stage.

2. Petitioner was a daily wage worker working in Community Health Nutrition Centre in Miryalaguda. Vide proceedings dated 05.11.2016 petitioner was informed that since he has attained the age of 60 years on 31.10.2016 he was retired and he cannot be continued as a daily wage worker.

3. Petitioner challenges the said order on the ground that for daily wage worker there is no age of superannuation prescribed and therefore the question of retirement on the ground that he attained the age of 60 years is not valid. This argument cannot be countenanced. Admittedly petitioner is not a regular employee and is only a daily wage worker. A daily wage worker is deemed to be a worker for the day and engaged each day, whenever work is provided to him. Therefore, it is for the employer to dispense with the service after utilization for the work he was engaged. This being a normal principle of daily wage employment, petitioner cannot seek to stand on higher pedestal than a regular employee for whom the age of retirement is prescribed by the Government as 60 years. Petitioner has not acquired any status of employment and cannot seek to continue merely because he is daily wage worker and to claim better benefits. Therefore, I do not see any merit in the claim made by the petitioner and the writ petition is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

17th February, 2017
Rds

P.NAVEEN RAO,J

