

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6250 of 2009

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Raghubansh Prasad Singh, son of late Ram Ratan Singh, resident of village-Sheikhpura, P.S.-Ribilganj, District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. Principal Secretary, Sugar Cane Industry Department, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
3. The Bihar State Sugar Corporation Limited, through its Managing Director, Udhog Bhawan (IIIrd Floor) East of Gandhi Maidan, Patna.
4. The State of Bihar, through the Secretary, Cane Department, New Secretariat, Vikash Bhawan, Patna.
5. The Principal Secretary, Finance Department, Government of Bihar, Patna.
6. The Deputy Secretary, Sugar Cane Industry Department, Government of Bihar, Vikash Bhawan, New Secretariate, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Banwari Sharna, Advocate
 Mr. Satya Nand Sharma, Advocate
 For the Sugar Corporation: Mr. Gyanshankar, Advocate
 For the State : Mr. Harish Kumar, G.P.-8
 Mr. Binod Kumar Sinha, A.C. to G.P.-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 11-04-2018

Heard learned counsel for the petitioner, learned counsel for the Bihar State Sugar Corporation Limited and learned counsel for the State.

2. In his case, the petitioner has raised a grievance that he has wrongly been terminated from the service along with others vide order dated 15.05.2007.

3. The petitioner was appointed on contract basis as



Chemist for two years vide letter dated 21.09.1990 and the same was extended to three years, but the petitioner continued to discharge the duty as Chemist and ultimately, his service has been terminated with effect from 15.05.2007.

4. Learned counsel for the petitioner submits that before termination of the service, the petitioner was neither given three months' notice nor three months notice pay and during the subsistence of the contract he has been terminated from the service and has placed reliance on the order of this Court passed in C.W.J.C. No.2606 of 1999, that judgment discloses that the Raghubans Pd. Singh and others i.e. the petitioners were terminated from the service during the subsistence of their contract of service period without giving the notice or notice pay as required in terms of the contract nor any reason was assigned for cancellation of appointment of the petitioners, on that ground this Court vide order dated 28.07.1992 passed in C.W.J.C. No.2606 of 1999, reinstated the petitioners to the said post.

5. But, today, as the fact exist that the Sugar Mill factory is not running and there is no production of the sugar and the factory is closed. It is also a fact that the petitioner was a contractual employee, he along with other contractual employees have been



terminated from the service including the Chief Engineer and Deputy Chief Engineer, who were also appointed on contract basis.

6. Learned counsel for the petitioner submits that certain persons have been treated to have been in service upto 2010 and they have been paid the salary, but the present petitioner has been deprived of the salary for three years' service, so he should be given the salary for the period of three years as similarly situated employees have been given the same.

7. In contra, learned counsel for the State as well as the Corporation have submitted that the petitioner was appointed on contract basis along with other Chemists and Engineers, services of those persons have been terminated along with the present petitioner, all including the petitioner having been paid the entire dues. The petitioner cannot compare himself with regular employees, who were appointed on permanent basis, whereas the petitioner was appointed on contract basis for three years, but he continued to discharge the duty till the issuance of letter, by which the services of the petitioner has been terminated. In support of his submission, he placed reliance on the judgment of this Court passed in C.W.J.C. No.8196 of 2007, dated 06.02.2008, there the Court has refused to interfere with the order of termination holding that they



were appointed on contract basis and the Court has taken a view that the employer cannot be coerced to keep extra burden and Corporation is not in a position to sustain extra financial responsibility to make payment of salary.

8. In the present case, the position is that the Sugar Mill factory is not running, the same is closed, employees are not required and especially the contractual employees have been terminated from the service. The petitioner cannot compete or compare with the regular employees as the status of regular employee is quite different to the contractual employees.

9. In such view of the matter, this Court does not find any merit in the present case. Accordingly, this writ petition is dismissed. However, if any other similarly contractual employees, who have been terminated along with this petitioner, have been granted any extra benefit, in such circumstance, the petitioner will also be given the same benefit.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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