

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15223 of 2017

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1. Permanand Singh, Son of Late Banarsi Prasad Singh, resident of Village- Champachak, P.O. Tetia Bambar, P.S.- Sangrampur (Tetia Bambar), District- Munger.
 2. Kameshwar Singh, Son of Late Laxmi Singh, resident of Village and Post- Fent, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, (Third Secretariat), Patna- 1.
2. The Chief Engineer, Sinchai Srijan, Water Resources Department, Bhagalpur Zone, Office at Barari, P.S.- Kotwali (Industrial Area), Town and District- Bhagalpur.
3. The Executive Engineer, Sinchai Srijan, Water Resources Department, Ganga Pump Canal Division, Kahalgaon, District- Bhagalpur.
4. The Collector cum District Magistrate, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Adv.
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 25-10-2018

Heard learned counsel for the petitioners and counsel for the State.

In the present case, the petitioners are claiming that denial of their regularization by the Chief Engineer, Water Resources Department, Bhagalpur vide order dated 13.4.2015 (Annexure 7/X) is completely misconceived, illegal and requires interference by this Court. The ground has been given that the petitioners could not be regularized on account of grant of minimum time pay-scale and those who have been given the



minimum time scale, the claim for regularization has been rejected.

Certain fact of this case is that the petitioners have been working as a daily wages basis since 24.10.1980 and 1.3.1984 respectively. The petitioners and other similarly situated persons have been granted minimum time pay-scale by the order of this Court dated 13.2.2015 passed in C.W.J.C. No. 1373 of 2014 and, as such, they are not required to be considered for regularization.

If the persons have been working since long i.e. from 1980 and 1984 respectively, the Government has issued a scheme for regularization firstly, vide resolution no. 5940 dated 18.6.1993 in which the cut-off date was fixed as on 1.8.1985 and, later on, the resolution no. 1533 dated 3.6.2006 fixing cutoff as 1990 for those persons who have worked 240 days per year continuously for five years, their cases by way of one time opportunity will be considered for regularization. The ground which has been mentioned, as because they have been paid the minimum time pay-scale would not be entitled for regularization, is completely misdirected in view of the fact that when the persons have been working since long which has been recognized by the employer and having been paid the salary in the minimum time pay-scale, in such situation, denial of regularization is not sustainable. The



reason is, prima facie shows that the petitioners have been working for a long period and the respondents are in need of their services and still they are continuous as a daily wages employee. Regularization in service gives better facilities in the service condition by way of proper fixation of his pay in the time scale as well as other monetary benefit after the superannuation from service.

In that view of the matter, the reason assigned by the respondents in refusing to regularize the services of the petitioners, to that extent, the order dated 13.04.2015 (Annexure No. 7/X) is quashed and the matter is remanded back to the respondent for consideration of regularization of the services of the petitioners in terms of the scheme of regularization circulated by the State of Bihar from time to time.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

