

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12014 of 2015

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Shyam Yadav son of Late Kapal Yadav, resident of village- Buchaman, P.S.-
Kapilchak Sadar, District Darbhanga, presently working as daily wages Peon at
Regional Office, Bihar Industrial Area Development Authority, Darbhanga

.... Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority, Udyog Bhawan, East
Gandhi Maidan, Patna through its Chairman
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog
Bhawan, East Gandhi Maidan, Patna
3. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan,
East Gandhi Maidan, Patna
4. The Executive Director, Bihar Industrial Area Development Authority,
Regional Office, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate

For the Respondent/s : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner and the respondent
State.

2. It is the petitioner's case that upon his engagement on
daily wages in the year, 1983 in Darbhanga Industrial Area
Development Authority, he has been continued to work as a peon on
daily wages. The erstwhile Darbhanga Industrial Development
Authority have taken a decision under letter dated 26.04.2002 bearing
memo no. 501 for regularization of the petitioner's services.
Subsequent thereto under Resolution of the Industry Department of



the Government of Bihar, the same merged into the Bihar Industrial Area Development Authority.

3. Petitioner's case is that even after merger in the Bihar Industrial Area Development authority, the authority has continuously been taking work from the petitioner. He has drawn the attention of this Court towards certain recommendations made in his favour for regularization as also the orders dated 19.06.2003 and 03.08.2003 Annexures 4 and 5 respectively showing that the petitioner has also been transferred within the organization and sent on deputation. For all practical purposes, the records reveal that the petitioner has been treated as a regular employee. He has also been allowed pay scale under the order dated 24.02.1990 and the Bihar Industrial Area Development Authority is conscious regarding such status of the petitioner which is evident from the communication dated 08.01.2004 issued by the Executive Director in the regional office of the Bihar Industrial Area Development Authority. The petitioner for all practical purposes and for the purpose of extracting work has been treated as regular employees ever since 1983. However, the respondent till date has not taken a decision regarding his regularization in terms of the existing policy of the State of Bihar which has been taken note of in the communication dated 03.08.2003 issued by the Managing Director of the organization.



4. Such continuation of a person on daily wages in spite of the fact that work is being taken from the petitioner continuously and at par with all who are serving the organization as regular employees, is highly unwarranted and appears to be unjustified in the facts and circumstances of this case. The respondent No.1 should therefore, consider the petitioner's case for regularization in terms of the existing scheme having regard to the nature of services rendered by the petitioner since 1983. The final decision in this respect should be taken by the respondent No. 1 within a period of 8 weeks from the date of receipt/production of a copy of the this order.

5. The petitioner if so desires may place representation before the respondent No. 1 consolidating all the necessary correspondence in support of his claim within a period of 4 weeks from today.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

