

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19381 of 2016

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Bal Krishna Jha, S/o Late Upendra jha, Resident of Village - Makkhatakiya,
P.O. and P.S. Nawgachhia, District- Bhagalpur

... .. Petitioner

Versus

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

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Das, Advocate Smt. Rani Swati, Advocate
For the Respondent/s	:	Mr. Harish Kumar- GP-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 10-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner was working as daily wages employee on class-IV post at Ganga Pump Canal Division, Kahalgaon, within the district of Bhagalpur. The services of the petitioner has been dispensed with on the score that in the event of flood he fled away and he was found absent from the duty, which the petitioner has challenged by submitting that it is completely a wrong fact, is the basis for dispensing



with his service, rather the fact is that he all along there and action is completely actuated by mala fide and requires revisit.

The petitioner is a daily wages employee, he cannot claim parity with the regular employee as well as he has no right to hold the civil post, but the submission has been made that the order of termination is actuated by mala fide, so minimum level of natural justice is required to be followed.

Learned counsel for the State submits that the action of the authority is completely correct, when he was supposed to be present he fled away from there.

This Court is not giving any opinion on the merit of the case as the services of the petitioner has been dispensed with on the allegation of being absent from his place of duty.

In such view of the matter, let the Commissioner, Bhagalpur, conduct an inquiry and will give reasonable opportunity of hearing to the petitioner and if it is found that he had not left the place of duty at the time of flood, as has been alleged, in such circumstance, the Commissioner will take decision with respect to re-engagement of the petitioner. But, if it is found that he was actually absent from the place of duty, then the question of his continuation as daily wager does not arise. All the exercise must be completed by the Commissioner,



Bhagalpur, within a period of five months from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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