

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1755 of 2019

1. Narendra Tiwari Son of Sri Ramakant Tiwari resident of Village- Jamuhara, P.S. Tilathu, District- Rohtas.
2. Awadh Tiwari son of Late Ram Badan Tiwari resident of Village- Jamuhara, P.S. Tilathu, District- Rohtas.
3. Shaukat Ansari son of Hadish Ansari resident of Village- Jamuhara, P.S. Tilathu, District- Rohtas.
4. Bharat Thakur Son of Late Karmu Thakur resident of Village- Jamuhara, P.S. Tilathu, District- Rohtas.
5. Karmdeo Sah son of Late Fitu Sah resident of Village- Jamuhara, P.S. Tilathu, District- Rohtas.
6. Ram Pyare Singh son of Late Budhu Singh resident of Village- Chakanwa, P.S. Indrapuri, District- Rohtas.
7. Binod Singh son of Sri Raghu Singh resident of Village- Mira- Saraiya, P.S. Tilathu, District- Rohtas.
8. Harinandan Ram son of Late Sheo Prasad Ram resident of Indrapuri, P.S. Tilathu, District- Rohtas.
9. Anup Ram son of Late Ramashish Ram resident of Indrapuri, P.S. Tilathu, District- Rohtas.
10. Umesh Kumar Singh son of Late Ram Vilash Singh resident of Indrapuri, P.S. Tilathu, District- Rohtas.
11. Rajendra Singh son of Late Ram Narayan Singh resident of Indrapuri, P.S. Tilathu, District- Rohtas.
12. Akhilesh Singh son of Late Ram Narayan Singh resident of Indrapuri, P.S. Tilathu, District- Rohtas.
13. Sunil Prasad son of Late Lakshman Prasad resident of Indrapuri, P.S. Indrapuri, District- Rohtas.
14. Mukesh Prajapati son of Sri Basaropan Kumhar resident of Jamuhara, P.S. Tilathu, District- Rohtas.
15. Shashi Kant Tiwari son of Ram Badan Tiwari resident of Jamuhara, P.S. Tilathu, District- Rohtas.
16. Chandan Kumar Singh son of Late Ram Bilash Singh resident of Village- Patanwa- Kala, P.S. Indrapuri, District- Rohtas.
17. Rajendra Kumar son of Sri Prem Lal resident of Indrapuri, P.S. Tilathu, District- Rohtas.
18. Dileep Kumar son of Sri Shambhu Ram resident of Indrapuri, P.S. Tilathu, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Chief Engineer, Sinchai Srijan, Water Resources Department, Dehri, District- Rohtas.
3. The Superintending Engineer, Sone Modernization Circle, Dehri.
4. The Executive Engineer, Sone Barrage Division, Indrapuri, District- Rohtas.
5. The Sub- Division Officer, Barrage-cum- Electrical, Sub- Division, Camp at Indrapuri.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Vishwanath Ram
Advocate
Mr. Ajay Kumar
Advocate
For the Respondent/s : Mr. Anjani Kumar
AAG4
Mr. Deepak Sahay Jamuar
AC to A.A.G.-4

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard the learned counsel for the petitioners and
the State.

The petitioners have approached this Court for a direction to the respondent authorities for regularizing their services as they have been worked against the vacant posts of Helper, Chaukidar, Sweeper, Electrician & Plumber etc. right from the year 2005 on continuous basis as daily-wagers. The further prayer of the petitioners is for a direction to the authorities to pay them the wages which is at par with the pay-scale of regularly engaged employees.

Learned counsel for the petitioners submits that he is strengthened in making such prayer on behalf of the petitioners for the reasons that even taking into account the judgement delivered in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors., reported in***



[(2006)4SCC1], since the petitioners have been working continuously as a daily-wager since 2005, at least, for once, they should be considered for being regularized keeping in view the availability of vacant posts in Class-III and Class-IV category.

The prayer for being paid at par with regular employees in terms of pay has been made in view of judgement of the Supreme Court in ***the State of Punjab and others Versus Jagjit Singh and others., reported in [2017(1)PLJR(SC)64]***, in which it has been held that primarily the quality of work and the services rendered by a daily-wager and a regular employee are the same. Though such daily-wagers cannot claim for their entitlement for being regularized but for the work which they render, they deserve to be paid at par with the other employees who are rendering the same kind of work.

No direction could be given for absorption / regularization of the petitioners in service, notwithstanding the length of time that they have served the government as daily-wagers. Nonetheless, on the issue of parity of pay, the petitioners are permitted to make a representation before



Respondent No. 2 within a period of three weeks from today along with a copy of this order. On receipt of such representation, the Respondent No. 2 shall dispose it off by taking a decision in that regard within a period of six weeks thereafter.

With the aforesaid observation / direction, this writ petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

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