

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3602 of 2016

1. Suraj Narayan Suman and Ors son of Nageshwar Mahto Resident of Village - Nakuni, P.S. - Hasanpur, District - Samastipur.
2. Manoj Paswan son of Dholan Paswan Resident of Village - Birpur, P.S. - Hasanpur, District - Samastipur.
3. Balram Singh son of Late Hari Nandan Singh Resident of Village - Deora, P.S. - Hasanpur, District - Samastipur.

... .. Petitioners

Versus

1. Bihar State Electricity Board , through its Chairman Bihar Patna Now Bihar State Power Holding Company Ltd.
2. The Bihar State Power Holding Company Ltd., South Bihar Power Distribution Company Ltd. through its
3. The Superintending Engineer, Electricity, Samastipur.
4. The Executive Engineer, Electricity Supply Division, Rosera, District - Samastipur.
5. The Assistant Electric Engineer, Electricity Supply Sub Division, Rosera, District - Samastipur.
6. The Junior Engineer, Electricity Supply Division, Rosera, District - Samastipur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh
For Power Company	:	Mr. A.K.Ojha, SC
		Mr. A.K.Karna

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-04-2019 Heard learned Counsel for the petitioners and the
learned Counsel for the respondent Power Holding Company.

The petitioners' claim in the writ proceedings is for a
direction to the respondent authorities to regularise services of
the petitioner on the post of Junior Lineman.

Petitioners' Counsel places reliance on the allocation



of work in respect of the petitioners made under direction of Assistant Electrical Engineer of the respondent Company under Office Order dated 20.6.2014. He also relies upon certain certificates issued by the authorities and Identity Card issued in favour of the petitioners.

The stand of the respondents in the counter affidavit is that the maintenance process was out sourced and the petitioners (Manab Bal) were provided by out sourced Agency. The petitioners have never been in the employment of the Company as entire existence of the petitioners is dependent upon the out sourced Agency which has provided services of the petitioners. They have therefore no valid claim against the respondent Company.

This Court has put a specific query to the petitioners' Counsel whether there is any order in favour of the petitioners to show their engagement by the respondent Company. No such order is available on record nor the petitioners' Counsel is in a position to submit that there is any such engagement letter by the respondent Company in favour of the petitioner. Merely because works were allocated under the orders of the respondent Company, in spite of the fact that the services of the petitioners have been made available by out sourced Agency, cannot enure



to the benefit of the petitioners to claim regularisation against
respondent Company.

The writ petition is devoid of merit and the same is
dismissed.

(Madhuresh Prasad, J)

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