

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6883 of 2015

1. Md. Alamgir Alam and Ors. S/O Raju Miyan @ Karu Miyan, Resident of village- Nadaura, P.S- Kurtha, District- Arwal. At present posted as Junior Engineer, D.R.D.A. Saran.
2. Awadhesh Kumar Son of Late Ram Narayan Prasad, Resident of village- Borenti P.S-Rajapakar, District- Vaishali, at present posted as Junior Engineer, D.R.D.A, Saran.
3. Birendra Kumar Singh Son of Sri Bishwakarma Singh, Resident of village- Nathanpura P.S-G.B. Nagar, Tarbara District-Siwan, at present posted as Junior Engineer, D.R.D.A. Saran.
4. Arun Kumar Son of Sukhdeo Singh, Resident of village- Duli Bigha P.S- Nimchak Bathani, District-Gaya, at present posted as Junior Engineer, D.R.D.A., Saran.
5. Ashok Kumar Son of Sri Jhalakdeo Singh, Resident of village-Mahariya, P.S- Kinjar District-Jahanabad at present posted as Junior Engineer, D.R.D.A. Saran.
6. Pramod Kumar Singh Son of Late Ramjivan Singh, Resident of village- Nanak Chak, P.SBidpur, District-Vaishali at present posted as Junior Engineer, D.R.D.A, Saran.
7. Kailash Paswan Son of Sri Baleshwar Paswan, Resident of village- Kaithwara, P.S-Sikandra, District- Jamui at present posted as Junior Engineer, D.R.D.A. Saran.
8. Sunil Kumar Son of Sri Ram Anugrah Singh, Resident of village-Nanda Bigha, P.S-cheri, District- Nalanda at present posted as Junior Engineer, D.R.D.A. Saran.
9. Rajesh Kumar Son of Sri Basant Bihari Singh, Resident of village-Gorauli, P.S-Baikunthpur, District-Gopalganj at present posted as Junior Engineer, D.R.D.A. Saran.
10. Sanjay Kumar Prabhakar Son of Sri Nand Kishore Prasad Resident of village-Budhuchak,P.S-Fathuha, District-Patna, at present posted as Junior Engineer, D.R.D.A. Saran.
11. Rajendra Kumar Raju Son of Late Rameshwar Prasad Bhagat, Resident of village-Mau Sharma Mohalla, P.S-Bidyapati Nagar, District- Samastipur, at present posted as Junior Engineer, D.R.D.A, Saran.
12. Jitendra Kumar Singh Son of Sri Ramkaran Singh, Resident of village- Satpura, P.S and District- Arwal, at present posted as Junior Engineer, D.R.D.A. Saran.
13. Suresh Kumar Nirala Son of Sri Janak Rai, Resident of village-Dighi Kala, Hajipur P.S- District- Vaishali at present posted as Junior Engineer, D.R.D.A. Saran.
14. Ajit Kumar Son of Chandrika Prasad, Resident of Mohalla New Bypass Road, Anishabad, Patna, P.S- Beur, District-Patna, at present posted as Junior Engineer, D.R.D.A. Saran.
15. Arvind Kumar Son of Kapildeo Singh, Resident of village- Harcimpur, P.S-



Mahua, District-Vaishali, at present posted as Junior Engineer, D.R.D.A., Vaishali.

16. Subash Chandra Bhushan Son of Chandrika Das, Resident of village-Raghopur P.S-..... District-Vaishali, at present posted as Junior Engineer, D.R.D.A. Saran.
17. Chitranjan Kumar Son of Sri Suraj Prasad Gupta, Resident of village-Basadhi, P.S-Bodh Gaya, District-Gaya, at present posted as Junior Engineer, D.R.D.A. Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Under Secretary, Rural Development Department Bihar, Patna.
3. The Principal Secretary, Water Resource Department Government of Bihar.
4. The Joint Secretary, Water Resource Department Bihar, Patna.
5. The Secretary Planning and Development Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr.Dhurjati Kr Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners filed the writ petition alleging that junior engineers appointed in the Water Resources department on contractual basis are getting Rs 27,000/- per month whereas the petitioners who were employees on contractual basis for implementation of Manrega scheme are being paid consolidated amount of Rs 16,938/- per month. Petitioners are claiming parity with pay being made to the junior engineers in the Water Resources department by submitting that qualifications for



appointment are same. It is also submitted that the petitioners are discharging more or less same duty as are being discharged by junior engineers in the Water Resources department. Referring to certain letters, it is submitted that they have also been asked to perform additional duty from time to time. Therefore, they should also be paid monthly consolidated amount equivalent to the junior engineers working in the Water Resources department.

Petitioners have obtained their contractual employment in terms of advertisement issued in the year 2006 which is annexure 1. The same specified consolidated pay of Rs 8000/- to be paid to the petitioners. The same has subsequently been revived/ enhanced to Rs 16938/- per month pursuant to the decision taken by the Cabinet. The scheme is sponsored by the Central Government. Water Resources department is not the parent department of the petitioners. Fixation of consolidated pay in case of petitioners has been clarified by the State, in their counter affidavit. Respondents therefore cannot be saddled with any additional liability to pay any higher consolidated pay since as per Manrega guideline only 6% of total expenditure is fixed for payment of salary to the employees working and other administrative expenditures.



Appointment of junior engineers for execution of Manrega was made on different terms and conditions from that of other departments. Contractual engagement of petitioners for implementation of work relating to manrega cannot be equated with that of services rendered by junior engineers in other departments on different terms and conditions in their contract of engagement. Petitioners is bound by his own terms and conditions of contract of employment. Hence, the claim of the petitioners is not sustainable.

This court is in agreement with the submissions of State counsel that junior engineers, with whom petitioners are seeking parity, were appointed on contractual basis for implementation of different schemes under different terms and conditions which cannot be compared with that of contractual services of the petitioners, which would be governed by mutually agreed terms and conditions.

Claim of the petitioners made in the writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

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