

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9147 of 2015

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Raj Kishore Prasad Singh, aged about 65 years, S/o Late Ram Chandra Singh,
R/o Village - Barki Mahamadpur, PO - Sabnima, PS - Bakhitiyarpur, District-
Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Agriculture Production Commissioner, Department of Agriculture,
Bihar, Patna.
3. The Principal Secretary, Department of Agriculture, Bihar, Patna.
4. The Administrator, Bihar State Agriculture Marketing Board (Dissolved)
Pant Bhawan, Bailey Road, Patna – 800 001

... .. Respondent/s

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For the Petitioner/s	:	Mr Ranjay Kumar Singh, Advocate
For the Respondent/s	:	Mr Sunil Kr Mandal, SC III
		M/s Bipin Kr, Arjun Pd, Ravi Ranjan Kr Singh, ACs to SC III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-09-2019

Heard learned counsel for the petitioner and the
respondent-State.

2 The brief background leading to filing of the instant writ petition is that the erstwhile Bihar State Agriculture Marketing Board (for brevity, Marketing Board) was having daily wages employees to carry out its operations throughout the State. Marketing Board was dissolved under the Repeal Act of the State Government. Pursuant to the same, the issue regarding the various employees and their fate was considered by the Authorities. A



Three Men Committee was constituted to examine the issue wherein the decision was taken to remove the daily wages employees as they had no right to claim absorption in other Departments as was being done in respect of the other regular employees. The decision of the Three Men Committee is of 15th March, 2007. The decision was further approved by the Cabinet. Being aggrieved by such decision of the State Government to dispense with the services of the daily wages employees, the employees moved this Court in a writ proceeding. Order of the Writ Court dated 16.09.2008 passed in CWJC No 14599 of 2006 and its analogous cases is Annexure 1 to the writ petition. The action of the respondent-Authorities in dispensing with the services of the daily wages employees which have been serving since a long time by virtue of the Repealing Act was held to be in violation of the Industrial Disputes Act. This Court, therefore, directed that at least, the daily wages employees, who were being dispensed with from service on account of closure/dissolution of the Marketing Board, were entitled to compensation under the provisions of the Industrial Disputes Act. The persons, who were on daily wages and who had approached this Court, got their remedies by virtue of the said orders passed in the writ proceedings in the year, 2008.



3 Instant petitioner awoke from his deep slumber in 2015. He made a representation before the Authorities on 21.04.2015 and, thereafter, sent a representation by Registered Post to the Agriculture Production Commissioner. He has asked the Authorities to consider his claim for the same relief which was granted to the writ petitioners of CWJC No 14599 of 2006 and its analogous cases. The representation does not contain any detail regarding the number of days the petitioner has discharged duties on daily wages. There is not even an averment in the representation that he had been ousted from daily wages at the time of the Marketing Board being dissolved under the provisions of the Repealing Act of 2006, namely, Bihar Agriculture Produce Marketing (Repeal) Act, 2006 (for brevity, Act of 2006). It was in these circumstances that when the matter was last taken up on 30.06.2015, this Court had allowed the petitioner time to bring on record documentary evidence to show that he was actually employed on daily wages in the erstwhile Marketing Board. The petitioner has placed on record decisions of an Appointment Committee dated 28.08.1977 and 01.10.1977 which recommends the petitioner along with others for regularization on account of services being rendered in the Marketing Board. Beyond the said two recommendations of the year 1977, there is nothing on record



for this Court to arrive at a conclusion that after the said recommendation, petitioner continued as a daily wager, or any step whatsoever was taken up till filing of the representation by the petitioner in April, 2015. The period of 38 years in between is nothing short of an enigma. It is impossible to ascertain the claim of the petitioner for compensation in view of the pleadings on record in the instant proceedings. No such details have been given by the petitioner even in the representation made in the year, 2015.

4 Since this Court is not able to appreciate the claim of the petitioner due to lack of details, no useful purpose would be served by even asking the respondent-Authorities to consider the same, more so in view of the fact that the Marketing Board, under which the petitioner claims to have been recommended for regularization in 1977, has since been dissolved in the year, 2007 under the provisions of the Act of 2006.

5 For the reasons indicated herein above, the writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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