

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15581 of 2019

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1. Ganesh Thakur, male, aged about 52 years, Son of Late Mohar Thakur, R/o Vill- Jhanjharpur, Police Station- Jhanjharpur in the district of Madhubani.
 2. Shivjee Thakur, male, aged about 56 years, Son of Nand Lal Thakur, R/o Vill Jhanjharpur Bazar, Police Station- Jhanjharpur in the district Madhubani.
 3. Jagdish Ram, male, aged about 45 years, Son of Late Lotan Ram, R/o Vill- Gandhwar, Police Station- Sakari in the district Madhubani.
 4. Sri Bhola Ram, male, aged about 47 years, Son of Sone Lal Ram, R/o Muhalla- Kotwali Chauk, Police Station- Madhubani in the district of Madhubani.
 5. Mushafir Ram, male, aged about 51 years, Son of Sri Fakir Mallik, R/o Vill- Rampatti, Police Station- Raj Nagar in the district of Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Home (Jail) Department, Govt. of Bihar, Patna.
2. The Secretary, Home (Jail), Govt. of Bihar, Patna.
3. The Inspector General, Prison and Correctional Services, Govt. of Bihar, Patna.
4. The Superintendent of District Jail, Madhubani.
5. The Superintendent Sub-Jail, Jhanjharpur, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Manish Kumar (GP4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-08-2019



The petitioners claim to be working as contingent menials in Sub-Jail, Jhanjharpur, in the district of Madhubani, since 1990. Their grievance is two fold. Despite there being no break in their services, they have not been regularized and that they are being paid less than those menial workers who are only 8th pass and are performing the same kind of job.

2. After some arguments, learned counsel for the petitioners has limited his prayer for a direction to consider the claim of the petitioners to be paid on parity with other menial workers who are rendering the same kind of service.

3. In support of the aforesaid claim, learned counsel for the petitioners has read out paragraph 58 of the judgment delivered in ***State of Punjab & Ors. Vs. Jagjit Singh & Ors.***, reported in ***(2017) 1 SCC 148***, which is extracted below:-

"58. *In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work cannot be paid*



less than another who performs the same duties and responsibilities. Certainly not, in a welfare State. Such an action besides being demeaning, strikes at the very foundation of human dignity. Anyone, who is compelled to work at a lesser wage does not do so voluntarily. He does so to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows that his dependants would suffer immensely, if he does not accept the lesser wage. Any act of paying less wages as compared to others similarly situate constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.”

4. It has been argued on behalf of the petitioners that it is only in consonance with human dignity and humane approach which would inculcate self-respect in such menial workers that it is necessary to accord them the same benefit so far as monetary compensation for the work



which they are rendering.

5. The aforesaid prayer made on behalf of the petitioners is not illogical or far fetched and ought to be considered.

6. Should the petitioners make a representation in this regard before the Inspector General, Prison and Correctional Services, Govt. of Bihar, Patna (respondent No. 3) within a period of four weeks from today, the same shall be considered on its own merits and a reasoned order shall be passed by the concerned respondent within a period of eight weeks thereafter.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.08.2019
Transmission Date	N/A

