

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18408 of 2019

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Rupesh Kumar Son of Sri Onkar Thakur Resident of Birpur, Ward No. 11,
Kargil Chowk, i-Type Colony, near Hawaii Field, P.S. Birpur, District-Supaul
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Vikas Bhawan, 1st Floor, Baily Road, Patna
2. The Director-in-Chief (Family Welfare, Matrix Infant Health and Nursing)
Health Services, Bihar, Patna
3. The Director Health Department, Bihar, Patna
4. The Civil Surgeon Supaul
5. The Deputy Superintendent Lalit Narayan Sub-Division Hospital, Birpur,
District-Supaul
6. The Executive Engineer Head Works Division, Birpur
7. The District Officer Supaul

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Vishwanath Ram Mr. Ajay Kumar
For the Respondents	:	Mr. Nagendra Pd. Yadav, SC-23

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-09-2019 The petitioner claims that he is working as a daily wage employee in Lalit Narayan Sub-Divisional Hospital, Birpur, district-Supaul. It is his case that the said hospital has been overtaken by the Health Department from the month of October, 2015, which was being earlier run by Kosi Project of Water Resources Department. It is also the petitioner's case that he was getting payment @ Rs.247/- per day for working as a Compounder. It is his grievance that he has not been paid his daily wage from October, 2015, and seeks direction for payment



of his daily wage in accordance with law, accordingly.

The petitioner has also sought for a direction to regularize his service against the post of Dresser and allow him pay-scale of a regular employee.

It is apparent from the pleadings that it is not the case of the petitioner that any selection process was undertaken for his engagement as daily wage employee. The question, therefore, for directing the authorities to regularize his services does not arise at all. However, if the petitioner is found to have discharged his duty as daily wage employee, his entitlement will have to be considered by the person, who had taken work from him

Let the Deputy Superintendent, Lalit Narayan Sub-Divisional Hospital, Birpur, Supaul, consider the case of the petitioner and pay to him the wages, which he is entitled to in accordance with law within three months from the date of receipt/production of a copy of this order.

The Director-in-Chief, Health Services, Bihar, is further directed to examine the circumstance, in which the petitioner was engaged, if at all engaged, on daily wage basis. If there is any vacancy of the post, against which the petitioner is said to be working, the same should have been filled-up by



adopting a fair procedure in conformity with the provisions under Articles 14 and 16 of the Constitution of India. The authorities cannot be allowed to maintain ad-hocism for an indefinite period. A decision in this regard must be taken by the Director-in-Chief in terms of the present observation within one month from today.

Let a copy of this order be communicated to the Director-in-Chief, Health Services, Bihar.

This writ application is disposed of.

(Chakradhari Sharan Singh, J)

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