

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3384 of 2018

1. Rajeshwar Thakur, son of Thagan Thakur, Resident of Village - Dwarkapur, P.S. Sakra, District-Muzaffarpur.
2. Brajnandan Mahto, Son of Shankar Mahto, Resident of Village - Itaha Rasul Nagar, P.S. Sakra, District-Muzaffarpur.
3. Ravi Shankar Kumar, Son of Suryadev Prasad Singh, Resident of Village-Muraul, P.S. Sakra, District-Muzaffarpur.
4. Smt. Shiv Kumari Devi, Wife of Sri Mithilesh Kumar, Resident of Village - Muraul, P.S. Sakra, District-Muzaffarpur.
5. Kumari Pinki, Wife of Naveen Kumar, Resident of Village - Basudeopur Chande, P.S. Mahnar, District-Vaishali.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, District - Muzaffarpur.
3. The Civil Surgeon-cum-Member Secretary, District Health Committee, Muzaffarpur/ District programme Manager, District Health Committee, Muzaffarpur.
4. The Director-in-Chief, Health Services, Bihar, Patna.
5. The Deputy Director, Health Services, Bihar, Patna.
6. The Regional deputy Director, Health Services, Tirhut Division, Muzaffarpur.
7. The Collector, Muzaffarpur.
8. The Deputy Collector (Establishment), Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr. Pushakar Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-07-2019

Heard learned counsel for the parties.

In this case, the petitioners are claiming that they
have been working as Voluntary workers, attached with Civil



Civil Surgeon -cum- Chief Medical Officer, Muzaffarpur, but they are being paid Rs.100/- per month.

It is very shocking to this Court that the State Government is paying only Rs.100/- per month even a Rickshaw-puller will receive better money than to these poor petitioners. The payment according to the Minimum Wages Act is the duty of each establishment either may be a Government Organization or it is a Private Organization. They cannot make payment less than the minimum wages fixed by the Government and it is the Government, which is not paying the amount fixed by it. So it is a high time that this Court is reminding the Government to make payment of wages as per the minimum wage fixed by the Government itself. The nomenclature of post hardly be any matter, if a person is working either in the capacity of voluntary work or permanent worker, the establishment cannot engage him in less than the minimum wages.

Another claim has been made for regularization of service, that is dependent on manner of entry in the service. Regularization is not a right, but its consideration by the Government, dependent on various factors and as such, consideration for absorption will be made in terms of the



judgment rendered in the case of *Secretary, State of Karnataka and Ors. vs. Umadevi and Ors*, reported in *(2006) 4 SCC 1*. Hence, this Court directs the State Government to make payment of salary to the petitioners in terms of the Minimum Wages Act as this view has been affirmed upto the Hon'ble Supreme Court in the case of Ashok Kumar vs. the State of Bihar and Ors. (C.W.J.C. No.4878 of 2000) as also in L.P.A. No. 30 of 2015, arising out of C.W.J.C. No.1218 of 2014.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	10.07.2019
Transmission Date	

