

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25044 of 2019

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Amit Kumar Yadav Son of Anandi Prasad Yadav, Resident of Mohalla-Chhoti Kelabari, Munger, P.S. Kotwali, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Munger Division, Munger.
5. The Engineer-in-Chief (Mechanical) P.H.E.D., Government of Bihar, Patna.
6. The Superintending Engineer (Mechanical), P.H.E.D., Bhaglapur, Bihar.
7. The Executive Engineer, P.H.E.D., Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-12-2019 Heard both sides.

The petitioner seeks quashing of the order no.65 dated 18.09.2019 issued by the Executive Engineer, Public Health Engineering Department, Govt. of Bihar, Patna whereby the representation of the petitioner for his regularization on grade IV post has been refused vide letter no.456 dated 18.09.2019.

Learned counsel for the petitioner submits that the petitioner was engaged on daily wages to operate the pump in pursuance of letter dated 01.01.2014 by which the State of Bihar



granted permission to engage two labours for each pumping station and one labour for water supply. The direction as contained in Memo No.1224 dated 08.07.2014 was issued by the Executive Engineer, P.H.E.D., Govt. of Bihar to invite applications to engage Untrained Pump Chalak-cum-Keyman on daily wages. Petitioner was engaged. It is further submitted that a meeting was called for by the Chief Secretary, Bihar for regularization of daily wages' employees in pursuance of the order passed by the High Court in C.W.J.C. No.8389 of 2008. The petitioner filed several representations to regularize the service of the petitioner. It is further submitted that Hon'ble Supreme Court in the case of Sabha Shanker Dube v. Divisional Forest Officer & Ors. passed in Civil Appeal No.10956 of 2018 held that temporary employees are entitled to minimum of the pay scales as long as they continued in service. Therefore, a direction be issued to the respondents to regularize the service of the petitioner. The petitioner himself claims to be engaged on daily wages in Public Health Engineering Department, Sub-Division, Munger and petitioner worked for six months in the year 2014, six months in the year 2015 and six months in the year 2016. The petitioner earlier filed C.W.J.C. No.7304 of 2019 and the writ was permitted to be withdrawn with liberty to the



petitioner to represent his case before the authority. The authority by order dated 18.09.2019 rejected the petition of the petitioner for his regularization that the petitioner never worked on any sanctioned post and he was engaged temporarily as and when the exigency arose. The Government has already notified vide Notification No.1134 dated 08.09.2014 and made rule for appointment of Grade IV employees such as Nalkup Chalak/Electrician in Bihar Public Health Engineering Department and therefore, the petitioner cannot be regularized on the post of Skilled Labour such as Nalkup Chalak/Electrician. The off and on engagement of the petitioner on daily wages is purely temporary and such engagement for such a brief period does not give any right to the petitioner for his regularization against the rules for appointment and service conditions, 2014 which has been framed for appointment of Nalkup Chalak/Electrician in the Department of Bihar Public Health Engineering.

Having considered the facts aforesaid, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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