

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18515 of 2017

1. Bihar Rajya Krishi Shramik Federation
2. Madhuri Devi Wife of Sri Anil Ram Secretary, Bihar Rajya Krishi Shramik Federation, Nalanda, resident of village - Gilani Chak, P.O. Telmar, P.S. Chandi, District - Nalanda.
3. Rajesh Kumar Son of Late Vijay Prasad President Bihar Rajya Krishi Shramik Federation, Nalanda, resident of village - Bundeltoli, Citi-Chowk Patna City, P.S. Malsalami, District - Patna.
4. Nagina Manjhi Son of Late Sukhu Manjhi Sangathan Mantri, Bihar Rajya Krishi Shramik Federation, Nalanda, resident of village - Herdanbigha, P.O. -Telmar, P.S. - Narnaut, District - Nalanda.
5. Anil Kumar @ Anil Ram Son of Yadu Ram Director Bihar Rajya Krishi Shramik Federation, Nalanda, resident of Village - Gillani Chak, P.O. - Telmar, P.S. Chandi, District - Nalanda.
6. Gautam Kumar Son of Suresh Prasad Singh Treasurer, Bihar Rajya Krishi Shramik Federation, Nalanda, resident of Mohalla - Mogal Kuan Baliypar P.O. P.S. Sohsarai, Biharsharif, District - Nalanda.
7. Hari Nandan Ravidas Son of Late Keshav Ravidas Rajkiya Mantry, Bihar Rajya Shramik Federation Nalanda, resident of Village Karimchak Balba, P.O. - Sirsi, Dihra, Kolaba, P.S. - Harnaut, District - Nalanda.
8. Sadhu Saran Prasad Son of Late Snehi Prasad Executive Member, Bihar Rajya Krishi Shramik Federation, Nalanda, resident of Village - Giridhar Chak, P.O. - Sartha, P.S. - Chandi, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Cum Commissioner, Labour Employment and Training Department, Government of Bihar, Pat
3. Labour Commissioner, Labour Department, Govt. of Bihar, Patna.
4. Deputy Development Commissioner, Nalanda.
5. District Magistrate, Nalanda at Biharsharif.
6. S.D.O. Biharsharif at Nalanda.
7. Circle Officer, Harnaut, Nalanda.
8. Block Development Officer, Harnaut, Nalanda.
9. Director National Employment Programme, Nalanda.
10. In-Charge Officer, Development Branch, Nalanda.
11. Programme Officer, Noor Sarai, Nalanda.
12. Block Development Officer, Silao Nalanda.



13. Block Development Officer, Ekangarsarai, Nalanda.
14. Union of India through the Commissioner Cum Secretary, Ministry of Labour, New Delhi.
15. Secretary Cum Commissioner, Ministry of Railway, New Delhi.
16. Secretary Cum Commissioner, Ministry of Defence, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.
For the Respondent/s : Mr. Ajay Kr. Rastogi -AAG 10

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 14.12.2017 is listed for hearing for
the first time today before the Court.

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief/s:

“(i) To command and direct the respondents to give the employment (permanent/ Temporary/ Daily wages to the thousand of members of organised Agriculture Laboure Labour of Bihar Rajya Krishi Shramik Federation, Bihar Registered under the Trade Union Act, 1926 in the different Programme of Government of India as well as State of Bihar. Work of member of Parliament or member of Legislative Assembly/Council quota and other places for save the life of below poverty line people belongs to mostly schedule caste, Backward classes and other Backward classes of the society and other facilities like Insurance



of life and others to the labour which is expectation of the welfare state and as per the law of Shramik Sangh.

(ii) To further command and direct the respondents to give the priority in employment to those persons (Members of said Organisation) who were trained under the special recognised planning, organised by the Labour and Employment Department in the Rural Training Camp.

(iii) To further command and direct the respondents to give permanent employment in the different newly going to be open factory like coach Railway Factory Harnout, Ordnance Factory, Rajgir, Nalanda, N.T.P.C. Barh and other factory state of Bihar in priority basis.

(iv) To further command and direct to the respondents to ensure the members of petitioners Federation with regard to Insurance of life, Right of Health Insurance and other facilities of Labour (member) and right of work and payment of minimum wages as per the labour law.

(v) To make available to the members of federation dues amount with Penal interest for which they were worked under the government scheme earlier for construction of road bridge and school at Alipur, Pachoura etc.

(iv) For which petitioner entitled for.”

We find the present petition to be totally misconceived for it cannot be said that right of being gainfully employed is a fundamental right. The petition is not maintainable at the instance of the present petitioner.



Learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioners shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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