

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20695 of 2019

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Amit Kumar Singh Son of Late Jagdish Narayan Singh, Resident of 70/A Adarsh Colony, West Patel Nagar, P.O.-Keshrinager, P.S.-Shastrinagar, District-Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation Budha Marg, Patna, through its Commissioner, having office at Budha Marg, Patna.
2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Budha Marg, Patna.
3. The Executive Officer, Patliputra Circle, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr. Ranjeet Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2020 Heard learned Counsel for the petitioner and the learned Counsel for the Patna Municipal Corporation.

Counsel for the petitioner submits that for the alleged dereliction in performing cleaning duty in fact the Sanitary Inspector should have been proceeded. It is submitted that in stead of proceeding against the Inspector the authorities have proceeded against the petitioner who is a Supervisor and have terminated his services.

Learned Counsel for the Corporation points out from the records that the petitioner was working on daily wage as Incharge Sanitary Supervisor. On account unhygienic condition because of lack of cleaning activities, undertaken in the area, the Inspector has



also been proceeded against departmentally as is evident from Annexure 2 dated 19.7.2019. The petitioner being a daily wager, his work being found unsatisfactory, the authorities had no option but to dispense with the services of the petitioner.

The plea of the petitioner that the action should have been taken against the Sanitary Inspector therefore is totally misconceived.

The admission position is that the petitioner was working on daily wage. From the records it appears that unhygienic condition was prevailing on account of non performance of duty of cleaning of the ward in question. Accordingly, petitioner's services on daily wage has been dispensed with. No right has been made out by the petitioner's Counsel as the petitioner was not entitled to any procedural protection as is available to permanent government employee. In view of nature of petitioner's employment on daily wage it does not lie in the mouth of the petitioner to submit that instead of proceeding against him they should have proceeded against the Inspector (Superior).

No right is made out for issuance of any direction in favour of the petitioner for reinstating him having regard to nature of his relationship being on daily wages.

Counsel for the petitioner submits that his representation (Annexure 3) may be disposed of.

Without any expression on the merits of the said submission the Court would only observe that the respondent No. 3



would be free to take any decision on the said representation without
being prejudice by what has been observed in the order.

The writ application is disposed of.

(Madhuresh Prasad, J)

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