

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5287 of 2021

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CHHOTU KUMAR SAW Son of Indadeo Saw Resident of village-
Sahsalempur, P.s.- Barh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Bihar Government, Patna
2. The District Magistrate, Patna
3. The Circle Officer, Belchhi, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-04-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“The present writ petition is in the
nature of mandamus and other (s) writ (s)
for commanding over the Respondents:*

*(i) To absorb this petitioner on the
post of Driver on regular post in the
Departments of Govt. of Bihar.*

(ii) To publish the advertisement to



select the vehicle driver in the Departments of Bihar Govt. in which petitioner may be selected on priority basis giving relaxation in his age and education.

(iii) To award the cost against the authority concerned who is taking services by the petitioner from 21.03.2013 on daily wages to till now.

(iv) To give this petitioner equal payment for equal work from 21.02.2015 to till now.

(v) To give litigation cost to the petitioner because the petitioner is compelled to file the present writ petition.

(vi) To give other (s) relief (s) to the petitioner for which the petitioner is entitled for?”

Grievance of the petitioner are in two fold, namely, regularization and payment of wages/salary in respect of post held by the petitioner on ad hoc basis/ daily wage.

Undisputedly, petitioner was appointed on ad hoc basis on 21.03.2013. Learned counsel for the petitioner has not apprised this Court in pointing out any policy decision of the State Government in respect of regularization of daily wagger/temporary employee, who has been appointed as on 21.03.2013. In the absence of any statutory provision, the



petitioner has no legal or statutory right to seek regularization.

At this juncture, it is to be noted that Apex Court has deprecated regularization in the case of ***Secretary, State of Karnataka and Others Vs. Uma Devi reported in 2006 (4) SCC*** Page 1, read with Full Bench decision of this Court in the case of ***Ram Sevak Yadav and Another Vs. The State of Bihar and Others in CWJC Nos. 267 and 472 reported in 2013 (1) PLJR 964.***

Insofar as payment of arrears of wages is concerned, the concerned authority is hereby directed to examine the service particulars of the petitioner and take a decision whether is he entitled for arrears of salary? The competent authority is hereby directed to take note of decision of the Apex Court in the case of ***State of Haryana v. Charanjit Singh reported in (2006) 9 SCC 321*** in which the Apex Court held that ad hoc employee is entitled to basic pay of the regular post. In the present case, the petitioner is stated to have been appointed as a driver on ad hoc basis, therefore, minimum pay attached to the post of driver shall be calculated and disbursed within a period of three months from the date of receipt of this order, failing which the concerned respondent is hereby directed to pay interest on arrears of salary/wages at the rate of 8% per annum.



With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2022
Transmission Date	NA

