

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4292 of 2023

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Dinesh Kumar Pandey Son of Late Braj Nandan Pandey, Resident of Village -
Balwa, P.O. - Damodarpur, P.S. - Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Bihar, Patna.
2. The Principal Secretary, Forest Department, Bihar, Patna.
3. The Principal Chief Conservator of the Forest, Bihar, Patna.
4. The Regional Chief Conservator of the Forest, Muzaffarpur.
5. The Conservator of Forest, Siwan.
6. The District Forest Officer, East Champaran, Motihari.
7. The Range Officer, Chakiya, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate Mr. S. Pandey, Advocate Mr. Rishikesh Ojha, Advocate
For the Respondent/s	:	Mr.Sarvesh Kr. Singh (AAG-13)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date: 11-12-2023

The present writ petition has been filed
seeking the following reliefs:-

“1. i. For setting aside the order contained
in Letter No. 80 dated 14.01.2023 issued
by the Divisional Forest Officer, Forest
Division Motihari, whereby the salary of
the petitioner has been determined at the
rate fixed for the unskilled labour ignoring
the direction of the Regional Chief Forest
Conservator, Muzaffarpur whereby
direction has been given to the Forest
Divisional Officer, Motihari Forest



Division, Motihari to determine the salary of the petitioner, present, past and future considering his work capability, skill and experience and also considering his utility but the respondent authorities without considering all *these aspects directly determined his salary at the lowest which is prescribed for unskilled laborer.*

ii. For that the petitioner further prays to issue direction to the respondent authorities to treat him as skilled labour and fixed his salary as rate prescribed by the Labor Department of the Govt. of Bihar for skilled labour and accordingly pay his arrears of salary for the previous year as well as to pay the future salary regularly for non planning scheme, as directed by Regional Chief Conservator of Forest vide order contained in letter No.119 dated 31/01/2023.

iii. For that the concerned respondent authority be directed to pay wages of 30 days after deducting the provident fund Amount to the petitioner every month in accordance with law."

2. Though it is not disputed that the petitioner has lost up to the Hon'ble Apex Court as far as his case for regularization is concerned, but now the only issue which the petitioner seeks to agitate is regarding him being treated as an



unskilled labourer although he is discharging the duty of a Range Clerk, thus he seeks a direction upon the respondent authorities to consider his case for payment of wages, as per the minimum prescribed wage of a skilled labourer.

3. The learned counsel for the respondents has submitted that though it has been categorically stated in the counter affidavit filed in the present case that the petitioner is working as a daily wage labourer, as such he is being paid daily wages which is also being paid to other daily wage labourers in the Department but then merely seeking assistance from the petitioner with regard to other works concerning the Department, would not classify/christen him as a skilled labourer.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Regional Chief Conservator of Forest, Muzaffarpur to determine as to whether the petitioner is working as an unskilled daily wage labourer or he is working as a daily wage Range Clerk, and accordingly fix his remuneration.



5. It is needless to state that any admitted outstanding dues of wages, due to be paid to the petitioner with effect from February, 2023 till the time he has been discharging his duties as daily wage labourer, shall be paid to the petitioner, forthwith.
6. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.12.2023
Transmission Date	N/A

