

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.414 of 2022

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1. Sita Ram Singh, son of Late Mathura Singh, Resident of Village-Tarhari, Police Station-Halsi, District-Lakhisarai.
 2. Priya Shankar Sah, son of Late Shree Kant Prasad Sah, Resident of Village and Post Office-Navneet Nagar (Rampara), Ward No. 24, Police Station-Katihar, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Minor Irrigation Department, Government of Bihar.
3. The Chief Manager, Minor Irrigation Department, Bhagalpur.
4. The Executive Engineer, Minor Irrigation Division, Katihar.
5. The Assistant Engineer, Minor Irrigation Department, Sub Division-Katihar.
6. The Junior Engineer, Minor Irrigation Division, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Vinay Pd. Singh, Advocate
For the Respondent/s : Mr. Sita Ram Yadav (GP-16)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 10-09-2024 The petitioners was a daily wage employee in Minor Irrigation Department in the District of Katihar. His service was terminated by an order dated 09.03.2021 (Annexure-2). The petitioners have filed a representations before the concerned Authority on 05.02.2021 and 25.03.2021, requesting the respondents to make payment of arrear wages for the period starting from the Month of April, 2020 to 22.07.2021 and also from April 2004 to March 2005, as well as post retiral benefit, if any. On this prayer, the petitioner has prayed for issuance of a



writ of mandamus against the respondents.

2. I have heard the learned Advocate on behalf of the petitioners and perused the materials on record.

3. It is blatant violation of the fundamental right of life, when an employee is directed to work as a daily wage earner without payment of his wages. The petitioners have alleged that they did not receive any wage during the above mentioned period.

4. It is needless to say that the petitioners not being a permanent employee is not entitled to get any retirement dues. However, they are entitled to the wages, which had not been paid inspite of their work in Minor Irrigation Department, Katihar.

5. For the reasons stated above, the instant writ petition is disposed of directing the Executive Engineer, Minor Irrigation Department, Katihar-Respondent No.4 to assess the days of work of the petitioners and released payment of daily wages at the rate fixed under the minimum wages act, at the relevant point of time.

6. With the above order, the instant writ petition is disposed of.

7. The entire exercise shall be undertaken by



respondent No.4 within a period of 60 days from the date of communication of this order.

(Bibek Chaudhuri, J)

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