

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22113 of 2012

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Kamla Devi, Wife Of Arjun Ram, Resident Of Quarter No. 47H, Board Colony, Police Station- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through the Chairman
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Electrical Superintending Engineer, Bihar State Electricity Board, Transmission Circle, Patna
6. The Executive Engineer (Civil), Bihar State Electricity Board, Transmission Circle, Patna
7. The Accounts Officer, Bihar State Electricity Board, Transmission Circle, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratnakar Pandey, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Akhileshwar Singh, Advocate
		Mr. Venkatesh Kirti, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-06-2024 Heard Mr. Ratnakar Pandey, learned counsel appearing on behalf of the petitioner and Mr. Vinay Kirti Singh, learned Senior Counsel along with Mr. Akhileshwar Singh and Mr. Venkatesh Kirti, learned counsels appearing on behalf of the respondents.

2. The petitioner has prayed for the following reliefs in paragraph no.1 to the writ petition:

(i) For issuance of an appropriate writ in the nature of a writ of certiorari for quashing of the order dated 31.03.2010 passed by the Secretary, Bihar State Electricity Board (Respondent No.3) communicated through letter No.183 dated 05.04.2010, as contained in Annexure-8, whereby and whereunder the prayer of the petitioner to consider her case for regularisation has been rejected.

(ii) For issuance of an appropriate writ in the nature of writ of mandamus commanding and directing the Respondent authorities to regularise the services of the petitioner on the post of Sweeper on the ground that the petitioner was engaged as a Sweeper on daily wages basis on vacant post by the Respondent No.5 vide letter 62 dated 19.06.1990 for cleaning the Patna Transmission Circle Colony, New Punaichak, Patna.

(iii) For issuance of an appropriate writ in the nature of writ of mandamus commanding and directing the respondent authorities to fill up the two sanctioned and vacant posts of Sweeper on regular basis upon which the petitioner has been working since 1990 and onwards.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner would be found entitled under the facts and circumstances of the case.

3. The petitioner earlier filed CWJC No. 18131 of 2009 and the liberty was granted to the petitioner to approach the Chairman/ Competent Authority of the Board to consider her request for regularization in the light of her past service. It is the case of the petitioner that the persons engaged after the petitioner, have been regularised in accordance with law. The petitioner has claimed that similar treatment be given to her and seeks to file her representation in the light of the order passed by this Court.

4. The fact that the payment to the petitioner was

made from the contingency fund and she used to be engaged from time to time, and even considering her to be a casual worker, the petitioner cannot claim equality with the daily wagers, whose services were regularized. It has not been disputed by the respondent that the petitioner was not engaged from the year 1998, from time to time, rather, the rejection is based on the fact that the petitioner can not be considered as daily wage worker and therefore, her plea of regularization cannot be sustained. A statement has been made in counter affidavit, as well as, it would appear from the impugned order dated 31.03.2010 that the payments were made to the petitioner from the contingency fund. The respondents in support of their stand submitted that the case of the petitioner is different from the daily wagers, no evidence has been considered by the Authority in this regard, by referring the same, nor any statement has been made in counter affidavit, as to whether, the petitioner was regularly paid from the contingency fund and the records maintained in respect of her engagement from time to time as a casual worker also don't find reference in the impugned order.

5. Considering the above facts and circumstances, I am of the opinion that if the petitioner files a detailed

representation before the authority concerned, the same be considered and a definite order be passed by taking into evidence on the records maintained in respect of the engagement of the petitioner from time to time and for considering her case of regularization in the light of the law laid down by the Apex Court.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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