

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11047 of 2024

Shivdatt Singh S/o Late Ram Narayan Singh, resident of Village-Kauradhi,
Post-Kaurodih, P.S.-Kaurodhi, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7
		Mr. Rajeev Kumar Sinha, AC to AAG-7

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for a direction to the respondents to declare Jan Swasthya Rakshak as government servant and pay the salary as per the rule of the government as the petitioner has been working for the last 20 years but he is getting the honorarium of Rs.50/- (fifty) per month.

3. Learned counsel for the petitioner submits that he was working as Jan Swasthya Rakshak since long and was getting the honorarium of Rs.50/- (Fifty) per month only.



Thereafter, he has filed several representations for enhancement of the honorarium as per the minimum wages act and also for regularization of his service, but neither his service was regularized nor his honorarium was enhanced. Learned counsel for the petitioner has attached an order dated 21.04.2006 passed in CWJC No.2169 of 2001, in which it has been observed by the Hon'ble Court that in view of the nature of engagement, the petitioners, if so advised, may move the State Government by way of representation for minimum wages or take over their services on regular basis, which may be considered and disposed off by the State Government in accordance with law, preferably within a period of six months from the date of filing of the representation. Counsel for the petitioner submits that his case may be disposed off in the light of order dated 21.04.2006 passed in CWJC No.2169 of 2001.

4. Learned counsel for the State submits that the order has been passed in 2006, about 18-19 years has crossed. Thereafter, the petitioner has moved before this Court.

5. Therefore, this Court is of the firm view that by virtue of the said order, no relief could be granted to the petitioner, after gap of about 18 years from the date of cause of action. But, since the petitioner is demanding minimum wages



for which he is entitled under Labour laws. Hence he has remedy to move under the forum of Labour Laws and not before writ Court. As such, this writ petition is disposed off with liberty to the petitioner to avail his remedy before the appropriate forum under the Labour Laws for providing minimum wages only.

(Dr. Anshuman, J)

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