

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4271 of 2019

In
Civil Writ Jurisdiction Case No.15501 of 2019

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Wasi Ahmad Son of Late Sattar Ansari Resident of Pipra Chanki, Police
Station- Sikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Sanjeev Hans, the Principal Secretary, Water Resources Department,
Sinchai Bhawan, Patna.
3. Sri Rama Shankar Dwivedi, the Chief Engineer, Water Resources
Department, Balmiki Nagar, Motihari, District East Champaran.
4. Sri Shailendra Kumar, the Executive Engineer, Don Canal Division, Ram
Nagar, Bettiah, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupak Kumar

For the Opposite Party/s : Mr.Vinay Kriti Singh (Ga 2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 11 21-06-2024 1. Heard Mr. Rupak Kumar, the learned

Advocate for the petitioner and Mr. Vinay Kriti Singh,

the learned GA-2 for the State.
2. The petitioner who worked as an Amin on daily

wages had sought direction from this Court for being

paid his remuneration for the period between

15.01.1988 to 11.09.2009.
3. This Court, on finding that the petitioner had

been successful in the Labour Court which directed



for the continuity of the services of the petitioner and, therefore, payment of remuneration for the period that he was out of job, directed the petitioner to make a fresh representation before the Chief Engineer, Water Resources Department, Valmiki Nagar, East Champaran, Motihari and the authority concerned was further directed to verify the facts; ascertain the entitlement of the petitioner and if such entitlement is found to be correct, pass orders for making payment of the wages of the petitioner which had not been paid to him hitherto.

4. It is the case of the petitioner that the department had chosen to challenge the award before this Court under writ jurisdiction, which petition was dismissed for non appearance.

5. Uptil now, the case has not been restored though Mr. Vinay Kirti Singh appearing for the Department has submitted that the restoration petition is still alive.

6. Nonetheless, following the direction of this



Court, the petitioner made a representation before the Chief Engineer, Water Resources Department, Valmiki Nagar, East Champaran, Motihari, who vide his order dated 06.11.2019 rejected such representation on the ground that the petitioner had not worked from 15.01.1988 to 11.09.2009 and, therefore, he could not be paid his salary for the aforesaid period.

7. The services of the petitioner as Amin was dispensed with in the year 1988 but later he was again appointed on class -IV post vide order no. 2266 dated 12.09.2009 by the Chief Engineer, Water Resource Department.

8. Mr. Vinay Kirti Singh, the learned Senior Advocate for the Department has submitted that pursuant to the award, such appointment to the petitioner was given in the year 2009.

9. This is no response to the request of the petitioner for being paid his salary for the period 15.01.1988 to 11.09.2009 in view of the award



passed by the Labour Court which has remained in-
violate till date. However, since a direction had been
issued to the Chief Engineer, Water Resource
Department , East Champaran, Motihari to pass a
reasoned order on the representation of the
petitioner, which representation has been disposed
off, no good ground has been made out by the
petitioner for entertaining this contempt petition.

10. The petitioner would but be at liberty to
challenge such order in an appropriate forum, citing
reasons, namely, that Labour Court award has got to
be implemented in its letter and spirit unless
modified by superior authority.

11. The petition stands disposed of with the
aforesaid observation.

(Ashutosh Kumar, J)

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