

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.64 of 2022

In

Civil Writ Jurisdiction Case No.10560 of 2008

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Raju Saw @ Raju Sah S/o Rajaram Saw @ Raja Ram Sah, Resident of Village Mukundpur, P.O. - Mukundpur, P.S. - Charpokhari, District - Bhojpur at Ara.

... .. Appellant/s

Versus

1. The State of Bihar, Patna.
2. The Principal Secretary Environment and Forest Department, Government of Bihar, Patna.
3. The Principal Chief Conservator of Forest, Bihar, Patna.
4. The Chief Conservator of Forest Bihar, Patna.
5. The Regional Chief Conservator of Forest Bihar, Patna.
6. The Divisional Forest Officer, Forest Extension Division, Bhojpur at Ara.
7. The Forest Range Officer, Piro District - Bhojpur.
8. Ganesh Ram, Son of late Ram Janan Ram, Resident of Village and P.O.- Malaur, P.S. Charpokhari, District- Bhojpur at Ara.
9. Md. Iltaf Ansari, Son of late Md. Ajiz Ansari, Resident of Village and P.O.- Mukundpur, P.S. Charpokhari, District- Bhojpur at Ara.
10. Dadan Ram, Son of late Badri Ram, Resident of Village and P.O.-Malaur, P.S. Charpokhari, District- Bhojpur at Ara.
11. Awadhesh Pandey, Son of Shree Sahato Pandey, Resident of Village- Amai (Purana Tola), P.O. Hassan Bazar, P.S. Piro, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Sinha, Advocate
For the Respondent/s : Mr.Sarvesh Kumar Singh (AAG13)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-03-2025

In the instant appeal, the appellant has assailed the order of the learned Single Judge dated 24.02.2020 passed in



CWJC No. 10560 of 2008-1st petitioner connected with CWJC No. 8425 of 2008 (Sri Jainandan Singh & Ors. Vs. the State of Bihar & Anr).

2. The appellant among others was appointed on daily wage basis on 01.01.1985. In the year 2008, the petitioner's grievance was relating to regularization of his services. The appellant grievance is relating to regularization of services among others and so also payment of daily wage insofar as unpaid for a certain period. During the pendency of CWJC No. 8425 of 2008 and connected matters, appellant's services have been displaced in the year 2012. The appellant failed to assail the action of the respondents orally or in written insofar as displacing him from the post of daily wager. Resultantly, the appellant is not entitled to have the benefit of regularization. What remains is whether appellant is entitled to minimum pay scale attached to the post in the light of the Hon'ble Supreme Court decision in the case of ***State of Punjab & Ors. vs. Jagjit Singh & Ors.*** reported in ***(2017) 1 SCC 148*** or not.

3. Learned Single Judge while disposing of bunch of writ petitions passed the following order:-

"10. Mr. Sanjay Kumar, learned counsel for the petitioners has submitted that the petitioners are entitled for equal pay at par with regular Class-III/ Class IV employees. If according to the petitioners, they have not been paid their daily wages for the



period they have discharged their work, they shall be at liberty to approach the competent authorities by making representations, which shall be considered and disposed of in correct perspective. The respondents are directed to consider the cases of the petitioners, if they are found to be still working, for payment of their wages applying the principle of equal pay for equal work.”

4. The payment of wages applying the principle of equal pay for equal work has been restricted to such of those persons who are still working as on the date of disposal of CWJC No. 8425 of 2008 and connected matters on 24.02.2020. Obviously, appellant's services have been displaced in the year 2012. The learned Single Judge observation cited above insofar as restricting to such of those persons who are still working is not fair and it is in violation of Article-14 of the Constitution of India read with decision of the Hon'ble Supreme Court in the case of ***Jagjit Singh(supra)***. Respondents were required to pay the difference of pay as a daily wage to that of minimum pay scale attached to the post. It is cumbersome procedure in order to take note of pay scale and minimum pay scale attached with the post read with revision from time to time and thereafter calculating difference of pay.

5. In order to overcome such cumbersome exercise on behalf of official respondents, we are of the view that the appellant is entitled to a lump sum amount of Rs. 1,50,000/-.



The same shall be paid to the appellant by the respondent no. 3-Principal Chief Conservator of Forest, Bihar, Patna within a period of 8 weeks from the date of receipt of this order.

6. To the above extent, the order of the learned Single Judge dated 24.02.2020 passed in CWJC No. 8425 of 2008 and connected matter stands modified insofar as appellant is concerned.

7. If the respondent no. 3-Principal Chief Conservator of Forest, Bihar, Patna fails to comply with this order, the appellant is entitled to litigation cost which is quantified to Rs. 25,000/-. The same shall be paid within a period of three months from the date of receipt of this order along with compensation.

8. With the above observation, the LPA stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2025
Transmission Date	NA

