

Civil Writ Jurisdiction Case No.4404 of 2017

- Petitioner/s

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer Mechanical, Irrigation Department, Bihar, Patna.
4. The Superintending Engineer Mechanical, Irrigation Mechanical Circle, Muzaffarpur.
5. The Executive Engineer Mechanical, Muzaffarpur Irrigation Division, Muzaffarpur.
6. The Executive Engineer Mechanical, Balmiki Nagar Irrigation Division, Balmiki Nagar.

... .. Respondent/s

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Adv. Mr. Chandra Mohan, Adv. Mr. Masoom Alam, Adv.
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP7

ORAL ORDER



2. Counsel for the petitioners submits that the present writ petition has been filed for directing the respondents to regularize the service of the the petitioners on Group D post and to grant all consequential benefits to them.

3. Counsel for the petitioners submits that the petitioner No.1 and 2 was placed in Mechanical Division, Siwan under Muzaffarpur Division and petitioner Nos.3, 4 and 7 was placed under Mechanical Sub-Division, Muzaffarpur under Muzaffarpur Division and the services of the petitioner Nos. 5 and 6 was placed under Executive Engineer, Balmiki Nagar Division, Irrigation Department, Balmiki Nagar. He further submits that petitioner Nos.1 to 6 joined their work on 18.01.1982 and the petitioner No.7 on 13.07.1982.

4. Counsel further submits that the petitioners' services were extended time to time which would appear from Memo No.1092 dated 17.05.1983 of the Chief Engineer (Mechanical), Irrigation Department, Patna and memo No.1478 dated 06.08.1983 which is Annexure-P/2 series. He further submits that the petitioners' name were listed as daily wages workers of the Muzaffarpur Division and they have worked till 31.10.1983. They had worked more than 240 days in the year 1982-83. He further submits that some of the similarly situated



persons have been considered who were working on work charge basis and their absorption on work charge basis were cancelled, then they moved before this Hon'ble Court and this Hon'ble Court has interfered and they have been subsequently regularized, but petitioners were not regularized and inspite of the fact that time to time, different circulars have been issued by Government of Bihar to consider the cases of the daily wager.

5. Learned Counsel for the State submits that as per the pleadings made in the writ petition, the petitioners had worked as daily wager since 1982 to 31.10.1983 and after lapse of about 33 years, they have filed the present writ petition before this Hon'ble Court for demanding regularization of their services. He further submits that the question of regularization of service shall arise only when the person concerned continued to be served in any capacity either on daily wager or under work charged establishment, but the case of the petitioners is that admittedly, they had worked till on 31.10.1983 meaning thereby, the cause of action has already been arisen for them in the year 1983.

6. In the light of the facts and circumstances particularly, when the petitioners served as daily wager up-to 31.10.1983. It transpires to this Court that for the petitioners,



cause of action has already arisen on 31.10.1983 and they have moved before this Hon'ble Court in the year 2017 *i.e.*, after lapse of 34 years. In this view of the matter, this Court is not inclined to interfere and, hence, the writ petition is hereby dismissed.

7. With the aforesaid observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-

U			
---	--	--	--

