

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2504 of 2017

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Md. Nevi Son of Late Md. Bachi Rain resident of Village - Andhra Tharthi
Tole, P.S. Andhra Tharthi, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Secretary, Department of Water Resources Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Patna.
4. The Controller Cum District Magistrate, Madhubani.
5. The Superintending Engineer, West Koshi Canal Circle, Jhanjharpur.
6. The Executive Engineer, West Koshi Canal Division Andhratharhi, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj, Adv. Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv.
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP7.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 16-01-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for directing the respondent to regularize the petitioner as daily wager in Koshi Canal Division who was working continuously since 1982 as he fulfills all the required parameters to be regularized in service. Counsel further submits that the petitioner was engaged as daily wage labourer under the Executive Engineer, West Koshi Canal Division, Block-Andhratharhi continuously since 1982.



3. Counsel further submits that a committee was constituted in the year 2015 for regularization of daily wager, but case of the petitioner was not considered and he had not been selected. He further submits that the petitioner has filed representation to the various authorities, but his case was not considered, therefore he filed the present writ petition.

4. Learned Counsel for the State on the other hand submits that the petitioner was admittedly working as daily wager and time to time, he served different letters demanding papers before the appropriate authority to consider his case which has not been provided by him *vide* letter dated 09.01.2017 (annexure-D to the counter-affidavit).

5. Counsel further submits that a letter No.25 dated 11.01.2017 was issued to take appropriate action for removal of daily wager as he does not fulfill the required parameters. Subsequently, *vide* letter No.78 dated 30.01.2017, it has been considered that the petitioner could not fulfill the prescribed parameters and, therefore, he has been removed from the daily wager.

6. Counsel for the State submits that though he has not fulfilled the criteria, but admittedly, he was working since 01.05.1982, therefore, he may be awarded compensation in the



light of Clause-5 of the Government Resolution No.639 dated 16.03.2016 and for that a requisition was made in the prescribed performa for payment of compensation to the petitioner.

7. Counsel for the petitioner in response thereof submits that the State has admitted that the petitioner was working in the said post since 1982. He fairly submits that as on date, the petitioner has completed the age of retirement. He further submits that his removal has been made on 30.01.2017 which he has never been challenged till date.

8. Counsel further submits that though there is delay on the part of the petitioner, but it is true that petitioner has worked in the department from 01.05.1982 to 30.01.2017 and as per the counter-affidavit, he is entitled for compensation in the light of Resolution No. 639 dated 16.03.2016.

9. In the light of the submissions made by the parties, this Court is of the firm view that the admitted position in the counter affidavit dated 06.07.2027 is that the petitioner has been removed from his service from 30.01.2017 by the department. The said removal has not been challenged for completed year of his service and now the petitioner has passed the age of retirement.

10. In this view of the matter, this Court is not



inclined to grant any relief to the petitioner relating to regularization, but since there is admitted position that the petitioner has served as daily wager *w.e.f.*, 01.05.1982 to 29.01.2017 and he is entitled for compensation amount as per the pleading, therefore, this writ petition is dismissed with liberty to the petitioner that he shall file representation for grant of compensation in the light of the circular made in the counter-affidavit within 8 weeks from today and the Executive Engineer, West Koshi Canal Division, Andhratharhi, Madhubani (respondent No.6) is directed to make payment to petitioner within 90 days thereafter.

11. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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