

(2015) 11 JH CK 0067
In the Jharkhand High Court
Case No : Writ Petition (S) No. 462 Of 2015

Anil Kumar and Ors

APPELLANT

Vs

State Of Jharkhand and Ors

RESPONDENT

Date of Decision : 02-11-2015

Acts Referred:

Citation : (2016) 1 JLJR 151

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Krishna Shankar

Final Decision : Disposed Of

Judgement

Aparesh Kumar Singh, J

1. Heard counsel for the parties. Resolution at Annexure-1 bearing Memo No. 65 dated 4.3.2014 issued by the Revenue and Land Reforms Department, Government of Jharkhand specifies the piece rated work of different categories of Piece Rated Daily Wager engaged in the settlement work being carried out in the State. Para-3 thereof clearly states that Rs. 250/- would be the piece rate for the various categories of work classified in Schedule-1 comparative chart. Clause-4 relates to the nature of work being performed by Saffai Moharir i.e. petitioners.

2. Petitioners however have sought for payment of this wages as a daily wage irrespective of piece work which they perform stating that it is not possible to perform the complete piece work in a particular day to get the full remuneration of Rs. 250/- days. Reliance has been placed upon an information obtained under the RTI at Annexure-2 dated 7.10.2014 which apparently elicits the very proposal which was put before the Cabinet for approval of the revision in piece rate wages of persons engaged in the settlement work being carried out in the State. Annexure-2 however cannot dilute the specific conditions incorporated in the Resolution of the Government at Annexure-1 which specify the piece rated work and the wages in lieu thereof. Reliance has also been placed upon

Annexure-3 which is also an information furnished by the Public Information Officer-cum-Assistant Settlement Officer, Headquarters, Dumka on 8.11.2014 which, according to the petitioners, indicates that Rs. 250/- per day is for the skilled nature of work. This information also cannot override the specific conditions in the Resolution itself which prescribes category of piece rated work and wages admissible thereunder.

3. Though, challenge to the Resolution at Annexure-1 has also been made, but writ petition is lacking in material details and particulars even to show the exact nature of work being performed by them as Saffai Moharir who comes under Clause-4 of the Schedule-I attached to Annexure-1. Reading of the nature of work and attached Clause-4 in the Schedule indicates different nature of works for different number of plots such as Safai Samaharnalya for which Rs. 250/- as piece rated wages are admissible against 200 plots to be worked against; there are other categories like preparation of plot index, copy of plot index, preparation of Goswar, etc for different number of plots such as 2000 and 100 entries respectively for achieving the target and receiving Rs. 250/- as piece rated wages. It therefore appears that classification of different nature of works have been made and is not suffering from irrationality in categorizing different nature of work even in Class-IV category of Safai Karya to fix piece rated wages at Rs. 250/- for each such category. Materials in the writ petition or submissions advanced on behalf of the petitioners do not show that classification is irrational or does not have any nexus. It is open to the State to categorize the nature of work and also to fix the quantum of remuneration for such nature of work on daily wages, piece rated wages, temporary engagement, any ad-hoc or contractual engagement for that matter.

4. In the respondent's affidavit, it is clearly stated that Rs. 250/- is the piece rated wages, as per the new enhanced slab, paid to the petitioners for piece rated work on any particular day. The ground for interference in Resolution at Annexure-1 is not made out in law. Petitioners have sought payment of Rs. 250/- per day as wages which is contrary to the Resolution at Annexure-1 dated 4.3.2014. If the petitioners perform the nature of piece rated work, they are entitled to get Rs. 250/- as prescribed thereunder. So far as the third claim of the petitioners for regularization is concerned, respondents have stated that the nature of work is piece rated and the question of regularization is within the jurisdiction of the State Government.

5. Counsel for the petitioners submits that the State Government has notified 2015 Rules for regularization by the Department of Personnel, Administrative Reform and Rajbhasha by Notification dated 13.2.2015 under which petitioners may have claim. However, Rules of 2015 stipulates certain conditions including that a person has worked on daily wages for a period of ten years by the cut-off date 10.4.2006 and the work being undertaken is against the sanctioned vacant post, etc. This issue therefore are not required to be gone into, as, if the petitioners satisfy those conditions, it is open to them to pursue their claim

before the competent authority. With the aforesaid observations, writ petition stands disposed of.