
(2004) 07 PAT CK 0043
In the Patna High Court
Case No : C.W.J.C. No. 3193 of 1999

Ashish Mahto

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 01-07-2004

Acts Referred:

Citation : (2004) 3 PLJR 623

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Rudra Deo Kumar Sinha, for the Appellant; JC to GP 6 for State, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. By this application, the Petitioner has, approached this Court for issuance of a direction to regularise the Petitioner on Class IV post.

3. According to the case of the Petitioner, the Petitioner was engaged on daily wages with effect from 15.4.1983 in the office of the Sub-divisional Officer, Bagaha in the District of West Champaran, Bettiah and till date he is working as such, but he is not being regularised on Class IV post nor he is being paid his wages from February 1997 till date.

4. It is submitted by learned Counsel for the Petitioner that from annexure 8, the letter written by the Sub-divisional Officer, Bagaha, dated 17.4.1997, it appears that there are 14 persons, who are working on daily wages and in the list appended to the letter shows that the Petitioner is at serial No. 1. It is further submitted that it is manifest from annexure 8 that the Petitioner was engaged on daily wages with effect from 15.4.1983. Learned Counsel at the same time states that several posts of Class IV posts are lying vacant in the office of the Sub-divisional Officer, Bagaha.

5. A counter affidavit has been filed on behalf of the Respondent State, where

specifically these facts have not been denied. However, it is stated in the counter affidavit that the vacant posts would be filled up after due advertisement and the case of the Petitioner will also be considered.

6. So far continuance of the Petitioner on daily wages from February 1997 till date is concerned, it is stated that the Petitioner is not working continuously, rather as per the exigency work is taken from him and necessary wages are paid to him.

7. From the materials, as referred to above, it appears that the Petitioner was engaged to work on daily wages since 15.4.1983 and till issuance of annexure 8 dated 17.4.1997 he continued to work on daily wages and his name has been shown at serial No. 1. It is also apparent that certain posts of Class IV employees are lying vacant.

8. Situations in public offices should not be kept vacant for long and in this case, it appears that sanctioned vacant posts are still available in the office of the Sub-divisional Officer, Bagaha and the Petitioner and others are working on daily wages.

9. Considering the facts and circumstances of the case, the District Magistrate, West Champaran, Bettiah, is directed to fill up the sanctioned vacant posts after due advertisement following the norms laid down in law within a period of six months from the date of receipt/production of a copy of this order. It is further directed that" in case, the Petitioner also applies for appointment on Class IV post his case would be considered in accordance with law after giving due weightage to his services rendered as daily wager.

10. So far the due wages of the Petitioner is concerned, the Petitioner may represent his case before the District Magistrate, West Champaran, Bettiah, and the District Magistrate will verify from the records and if he would be satisfied that the Petitioner continuously has worked from February 1997 till date, the due wages will be paid to him forthwith. This exercise, however, must be completed by the District Magistrate within a period of six weeks from the date of filing of the representation by the Petitioner.

11. With the direction/observation aforesaid, this application is disposed of.