
(2005) 02 PAT CK 0062
In the Patna High Court
Case No : C.W.J.C. No. 16435 of 2001

Ashok Kumar Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 22-02-2005

Acts Referred:

Citation : (2005) 1 BLJR 649

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : S.C. Jha, for the Appellant; JC to AAG I, for the Respondent

Judgement

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

2. A grievance has been made on behalf of the petitioner against the order, as contained in letter 895 dated 11.12.2001, issued under the signature of the Executive Engineer, Minor Irrigation Division, Bettiah, whereby and whereunder services of the petitioner have been dispensed with effect from 10.1.2002 due to non-availability of work in the Division.

3. Learned counsel for the petitioner submitted that the petitioner has worked under the respondents on daily wage since 1982 and instead of regularising his services, he has been terminated. It is further submitted that exigencies of work are there, as the work to be rendered by the petitioner and Ors. was perennial in nature, and, therefore, the authorities were required to allow the petitioner on daily wage. It is also submitted that some of the similarly situated persons have been regularised pursuant to order passed by the Apex Court, as contained in Annexure 6.

4. No counter affidavit has been filed on behalf of the respondents.

5. Owing to the nature of the prayer of the petitioner, in my opinion, no positive direction can be issued in this writ application.

6. However, the petitioner, if so advised, may represent his case before

respondent No. 2, the Secretary, Minor Irrigation Department, Government of Bihar, Patna, to absorb him on daily wage and then regularise him in light of the order passed by the Apex Court, as contained in Annexure 6 and in case, it is so done, his representation would be considered and disposed of by the speaking order by respondent No. 2 within a period of six months from the date of receipt/production of a copy of this order.

7. With the direction/observation aforesaid, this application is disposed of. Order accordingly.