
(2000) 07 PAT CK 0051
In the Patna High Court
Case No : C.W.J.C. No. 6294 of 1998

Chandrakant Choudhary and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 10-07-2000

Acts Referred:

Citation : (2000) 3 PLJR 786

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the Petitioners against the order dated 29th May, 1993, whereby and whereunder the Deputy Secretary, Minor Irrigation Department cancelled the earlier order dated 7th May, 1993 whereby it was ordered to regularise the services of the Petitioners and to give them regular scale.

2. According to the Petitioners, they are functioning on daily wages since 1978-1985 and performing the duties of class-IV employees but Respondents have not yet regularised their services.

3. It is stated that the authorities earlier decided to regularise their services in May, 1993 but such order was also cancelled subsequently vide order dated 29th May, 1993. They have claimed for regular scale of pay on the principle of "equal pay for equal work".

4. The Respondents in their counter affidavit, while opposed the relief for scale of pay on the principle of "equal pay for equal work", have also opposed the writ petition on the ground of delay, the order dated 29th May, 1993 having challenged after more than five years.

5. However stand has been taken that the question relating to appointment of Petitioners and others have been taken and the matter has been referred to Member, Board of Revenue.

6. In view of the fact that the Respondents are continuing with the ad hoc arrangement by engaging persons on daily wages and Petitioners are functioning for more than 15 to 22 years, I feel that the authorities should be directed to consider their cases for regular appointment against appropriate Class-IV post, taking into consideration the qualification as was in vogue at the time of their appointment.

7. Accordingly, I direct the Respondents to consider the cases of Petitioners and other similarly situated daily wage employees appointed prior to 1st August, 1985, for their regular appointment against appropriate Class-IV post.

The Member, Board of Revenue will look into the matter and decide the claim of Petitioners and make recommendation to the competent authority for appointment of eligible persons.

8. It is needless to say that the Petitioners and others who are working on daily wage are to be given preference over outsiders in the matter of regular appointment and appropriate age relaxation, if one or other is found to be overage.

9. A decision, in this respect be taken and communicated to the Petitioners within a period of four months from the date of receipt/production of a copy of this order.

10. The Petitioners will produce a copy of this order before the Member, Board of Revenue, as also the Secretary, Minor Irrigation who are to ensure compliance.

11. So far as arrears of wages is concerned, if it has not been made to one or other Petitioner, he/they will approach the appropriate authority, who will decide the claim within two months. If admitted wages is found to be due to one or other employee, the same be paid within two months from the date of receipt/production of a copy of this order.

12. The writ petition stands disposed of with the aforesaid observations and directions.