
(2002) 05 PAT CK 0093
In the Patna High Court
Case No : L.P.A. No. 583 of 2002

Md. Ashraf

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 22-05-2002

Acts Referred:

Citation : (2002) 05 PAT CK 0093

Final Decision : Dismissed

Judgement

1. The present appeal has been preferred by the Appellant against the order of the writ court dated 18.3.2002 passed in C.W.J.C. No. 8370 of 2000.
2. The Appellant, Md. Ashraf, worked on daily wages on class IV post in k (sic) Baduwa Chandan Command Area Development Agency hereinafter referred to the "Agency". Initially the Appellant had a writ application for direction to the Respondents authorities to regularize his sensice in the Agency on the plea that he has been working for long years of continued service.
3. The learned Single Judge dispose of the matter giving direction to the Respondents authorities to consider the Petitioner claim for regularization of his sensice in view of the decision of the Supreme Court in the Case of State of Haryana and others Vs. Piara Singh and others etc. etc.,
4. The Agency filed Letters (sic) Appeals being L.P.A. Nos. 1542 and (sic) of 2000. The appeals were allowed and matter was remitted back to the writ (sic) as the order had been passed behind back of the Agency without giving them opportunity of hearing.
5. Initially the prayer of the appeal in the writ application was for regularize of his service. However, in view of (sic) affidavit filed on behalf of the Agency to light that the services of the daily had been terminated on 19.8.2000 (sic) before the Petitioner had chosen to writ application. Subsequently, by interlocutory applications the aforesaid termination was also brought on the (sic) challenged.

6. The learned writ Court took into consideration the financial crisis faced by Agency and other similar Agencies and fact that no work was there in the for engagement of the Appellant similarly situated persons and further view the report of the Comptroller and (sic) General objecting to the engagement large number of daily wagers contrary to the direction of the State Government despite the fact that there was no risk the Agency, which objection was communicated by the Central Government State Government with advice to immediate remedial action. The State Government there upon asked the Agency remedial action which was taken by an order dated 19.8.2000.

7. In view of the aforesaid facts the Court did not interfere with the said (sic) rightly so.

8. This Court does not find any infiring in the aforesaid order requiring inter (sic) by this Court at this stage.

9. Dismissed.