
(2002) 03 JH CK 0027

In the Jharkhand High Court

Case No : C.W.J.C. No's. 3630, 3643 and 3657 of 2000

Mohini Ranjan Mishra and Others Etc.

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 07-03-2002

Acts Referred:

Citation : (2002) 4 LLJ 212 : (2002) 50 BLJR 939 : (2002) 94 FLR 262

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

Bench : Single Bench

Advocate : S.B. Gadodia, R.K. Verma and V.N. Choudhary, for the Appellant;
R.N. Sahay, S.C.I. and S.K. Pal, J.C. to S.C.I., for the Respondent

Judgement

S.J. Mukhopadhaya, J.—In all the three writ petitions, as common relief has been sought for they were heard together and are being disposed of by this common order.

2. All the petitioners were working on daily wage under the Minor Irrigation Department of the State. They are posted in the Minor Irrigation Division at Kodarma. All of them claimed to have been working for the last 20 years on daily wage and claimed wages for the period from 11th March. 1997 to 31st July. 1999. It is stated that the petitioners have been paid wages prior to 11th March. 1997 and are also getting wages after 31st July. 1999 but the wages for the aforesaid period have not been paid, though they have worked.

3. Further prayer has been made to direct the Respondents to pay the petitioners the wages in the regular scale and other allowances as is payable to a regular employee.

4. A counter-affidavit has been filed in each of the Case, wherein the Executive Engineer. Minor Irrigation Division. Hazaribag has taken plea that the fund of the period from 11th March. 1997 to 31st July. 1999 having not released, the wages could not be paid. Further, according to them, the petitioners having not appointed on regular basis, cannot claim for wages in the regular scale like a

regular employee.

5. In the facts and circumstances, as admittedly, the petitioners were working on daily wage since long and after reorganisation of the State, the State of Jharkhand is to look into the matter, the following orders are passed to meet the ends of justice.

6. The petitioners will represent before the Secretary, Water Resources (Irrigation) Department. Government of Jharkhand. Ranchi who will ensure release of fund so that the wages of the period aforesaid are paid to the daily wage employees posted at Kodarma within two months.

7. So far as payment of wages in the regular scale is concerned, the petitioners having not appointed regularly, such prayer is rejected for the present. However, as they are functioning for about 20 years, the Respondents will ensure to fill up Class-IV posts on regular basis and give preference to petitioners over outsiders and, If necessary, will relax their age, as per Resolution No. 5940 dated 18th June. 1993.

8. the Secretary concerned will find out the total number of Class-IV posts vacant at Kodarma and will fill up the posts within a period of six months, from the date of receipt production of a copy of this order, after consideration of the case of petitioners and other similarly situated daily wage employees.

9. If the posts are not filled up within the period specified, the Respondents will ensure payment of wages in favour of petitioners, which should be equivalent to minimum of the scale of the posts they are performing duty and admissible allowances.

10. All the writ petitions stand disposed of.