
(2000) 01 PAT CK 0012
In the Patna High Court
Case No : C.W.J.C. No. 8873 of 1999

Mrs. Sashi Bala Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 13-01-2000

Acts Referred:

Citation : (2000) 1 PLJR 1026

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

Bench : Single Bench

Advocate : Rajendra Prasad Singh, Pushpa Sinha and Niranjana Kumar, for the Appellant; B.K. Jha and Anil Jha for the University and Mr. Asfar Hasan for the State, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the parties. As the case can be disposed of on short point, it is not necessary to discuss all the facts, except the relevant one.

2. The petitioner is a daily wage employee of B.B. Mahila Mahavidyalaya, under the Respondents Tilka Manjhi, Bhagalpur University, Bhagalpur. She is working since January, 1987 and is being paid consolidated sum of Rs. 815/- per month in respect of the duty she is performing.

3. The Registrar of the University issued the impugned order dated 30th August, 1999, whereby and whereunder, the Principals of the Colleges/Heads of P.G. Department of the University have been asked not to entrust with any duty to the daily wage workmen, which includes the petitioner.

4. The order, contained in letter dated 30th August, 1999, reads as follows :

On account of non-payment of wages to the daily wagers it is presumed that they are not doing their duties in the college/department. In no case they should be entrusted with any duty. Please certify that the college/department is not taking any work from them.

5. The aforesaid order shows non-application of mind of respondents. Merely, on the ground that the wages are not being paid to the daily wage workmen, presumption has been made that they are not doing their duties. In this background, it has been ordered not to entrust any work and duty with them.

6. Admittedly, no individual case, including the case of the petitioner has been relied to find out whether such daily wage employees actually performed duties or not. In the aforesaid background, the impugned order cannot be held to be legal.

7. Accordingly, I set aside the order dated 30th August, 1999 and consequential order dated 8th September, 1999, so far as it relates to the petitioner with liberty to the Respondents to pass any order, in accordance with law.

8. The petitioner be paid wages for the period, she actually performed the duty and till she continues as such. The writ petition stands disposed of with the aforesaid observations and directions.