

(2005) 02 PAT CK 0131
In the Patna High Court
Case No : CWJC No. 8467 of 1999

Pawan Kishore Karn and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-02-2005

Acts Referred:

Citation : (2005) 2 PLJR 27

Hon'ble Judges : Shashank Kumar Singh, J

Bench : Single Bench

Advocate : Rajeeva Roy, for the Appellant; Rana Bhupendra Pd. Singh, for the Respondent

Judgement

Shashank Kumar Singh, J.—Heard Learned Counsel for the petitioners and the State. All the petitioners are working as daily wage employees on class-III and IV posts in the Water Resources Department. Contention on behalf of the petitioners is that they were engaged on daily wages in the year 1981, 1982, 1983 and 1984. It is further contended that till date they are discharging their duties rather it has been contended that they are working on vacant sanctioned post. In paragraph-4 of supplementary affidavit a chart has been brought on record to show that other persons who were subsequently appointed, their services have been regularised, some by the order of Chief Engineer in the year 1988 vide letter No. 363 and others by order of the Superintending Engineer vide memo No. 811 dated 3.3.1988. Contention of the petitioners is that as they have also been working for such a long time, in view of policy decision of the State their services also were supposed to be regularised.

2. By filing a counter affidavit the aforesaid contention of petitioners has been denied though not specific but a bald statement has been made. They were not working on sanctioned post and no one either above the petitioners or subsequently appointed have been regularised. The statement of the petitioners, where specific example has been given, the same has not been answered.

3. this Court though otherwise would not have been directing the State to consider the case of the petitioners and pass an order of regularisation as the same depends on the vacancy and the requirement of work but once a person similarly situated i.e. a daily wage employee if subsequently appointed his service has been regularised then the petitioners also have to meet the same fate i.e. their case is also required to be considered and appropriate orders of regularisation from the date from which their immediate juniors have been regularised, is required to be passed.

4. As such, Respondent No. 3 The Secretary, Water Resources Department, Government of Bihar, Patna and Respondent No. 6 the Chief Engineer, Department of Water Resources and Flood Control/ Protection, Samastipur are directed to look into these aspects of the matter and as contended by the petitioners and noticed by the court above, if persons subsequently engaged, have been regularised then the case of the petitioners is also directed to be considered and appropriate orders passed regularising their services from the date their immediate juniors have been regularised. It is Accordingly, ordered.

5. Let the petitioners file an application alongwith a copy of this order before the Respondents within a period of one month from today and appropriate orders be passed within a further period of four months from the date of filing of the same. This writ application stands disposed of with the aforesaid observation and direction.