
(2019) 07 PAT CK 0081

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3384 Of 2018

Rajeshwar Thakur And Ors

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0081

Hon'ble Judges : Shivaji Pandey, J

Bench : Single Bench

Advocate : Jagannath Singh, Pushakar Ray

Final Decision : Disposed Off

Judgement

Heard learned counsel for the parties.

In this case, the petitioners are claiming that they have been working as Voluntary workers, attached with Civil Civil Surgeon -cum- Chief Medical Officer, Muzaffarpur, but they are being paid Rs.100/- per month.

It is very shocking to this Court that the State Government is paying only Rs.100/- per month even a Rickshaw-puller will receive better money than to these poor petitioners. The payment according to the Minimum Wages Act is the duty of each establishment either may be a Government Organization or it is a Private Organization. They cannot make payment less than the minimum wages fixed by the Government and it is the Government, which is not paying the amount fixed by it. So it is a high time that this Court is reminding the Government to make payment of wages as per the minimum wage fixed by the Government itself. The nomenclature of post hardly be any matter, if a person is working either in the capacity of voluntary work or permanent worker, the establishment cannot engage him in less than the minimum wages.

Another claim has been made for regularization of service, that is dependent on manner of entry in the service. Regularization is not a right, but its consideration

by the Government, dependent on various factors and as such, consideration for absorption will be made in terms of the judgment rendered in the case of Secretary, State of Karnataka and Ors. vs. Umadevi and Ors, reported in (2006) 4 SCC 1. Hence, this Court directs the State Government to make payment of salary to the petitioners in terms of the Minimum Wages Act as this view has been affirmed upto the Hon'ble Supreme Court in the case of Ashok Kumar vs. the State of Bihar and Ors. (C.W.J.C. No.4878 of 2000) as also in L.P.A. No. 30 of 2015, arising out of C.W.J.C. No.1218 of 2014.

With the aforesaid observations and directions, this writ petition is disposed of.