

(2004) 12 PAT CK 0069
In the Patna High Court
Case No : CWJC No. 8888 of 1999

Rekha Rai and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 02-12-2004

Acts Referred:

Citation : (2004) 3 BLJR 2229

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : S.P. Srivastava and Virnedra Kaur, for the Appellant; JC to AAG-III, for the Respondent

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. The petitioners seek direction upon the respondents to regularise their services on Class IV posts, as they were engaged to work on daily-wages with effect from 1.12.1980 onwards.

3. According to the case of the petitioners, they continued to work on daily-wages till 1.9.1995. The petitioners thereafter came to this Court for their regularisation in CWJC No. 4036 of 1996, which was disposed of on 25.11.1997 directing the respondents to consider the cases of the petitioners in accordance with law preferably within a period of three months from the date of receipt/production of a copy of the order. The representation filed by the petitioners, however, was rejected vide order, as contained in Annexure-B dated 16.2.1998 to the counter-affidavit.

4. Learned counsel for the petitioners submitted that since the petitioners had worked for about 15 years under the respondents, their cases could have been considered for regularisation against the existing Class IV posts.

5. From the order, as contained in Annexure-B to the counter-affidavit, claims of

the petitioners have been rejected on the ground of resource crunch and exigency of departmental work.

6. Learned counsel for the State with reference to counter-affidavit submitted that the State authorities in view of the resource crunch and exigency of work are not taking work from the petitioners on daily-wages.

7. It is not the case of the petitioners that even after passing of the order, as contained in Annexure-B dated 16.2.1998 persons have been engaged on daily-wages by the respondents, rather it appears that after taking of the decision by the respondent authorities, persons are not being engaged on daily-wages.

8. Keeping in view of these facts and circumstances of the case, in my opinion, it would not be appropriate for this Court to issue any direction to the respondents to regularise the services of the petitioners.

For the reasons aforementioned, therefore, I find no merit in this application.

It is, accordingly, dismissed.