
(2004) 09 PAT CK 0105
In the Patna High Court
Case No : C.W.J.C. No. 5563 of 1999

Satyendra Mishra and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 24-09-2004

Acts Referred:

Citation : (2004) 4 PLJR 650

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Ganesh Pd. Singh, Sharad Kumar Sinha and Mithilesh Kumar Rai, for the Appellant; Rishi Raj Sinha, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioners prayed for issuance of direction upon the respondents to regularise their services as they are working since 1982/1983 on daily wages and till date they are continuing on the posts.

2. According to the case of the petitioners, petitioner No. 1 is working on the post of Amin and petitioner Nos. 2 and 3 are working on the posts of Road Roller Khalasi and they are getting their wages.

3. It is submitted by learned counsel for the petitioners that the posts of Amin and Road Roller Khalasi are sanctioned posts and the same are lying vacant under the respondents and since the petitioners are working on those posts since 1982/ 1983, it was high time for the respondents to consider their cases for regularisation against the sanctioned vacant posts.

4. A counter affidavit has been filed on behalf of the respondents, but the fact that the petitioners are till date continuing on daily wages is not disputed. However, it is submitted by learned counsel for the State that an advertisement for appointment to Class IV post was published by respondent No. 5 in daily newspaper "Aaj" dated 29.7.1999 pursuant to direction of this Court, but, at the same time, there is no whisper as to whether any appointment was made

pursuant to the advertisement aforesaid, rather it is admitted by learned counsel for the State that the petitioners are continuing on their respective posts till date and they are being paid their wages regularly.

5. Since admittedly, the petitioners are continuing on their posts on daily wages for about 22 years and they are being paid their wages regularly, in my opinion, it is high time for the respondents to consider them for their regularisation against the vacant sanctioned posts of Amin and Road Roller Khalasi.

6. Considering the facts and circumstances of the case and for the reasons aforementioned, the respondent authorities are directed to consider the cases of the petitioners for their regularisation on the posts aforesaid within a period of three months from the date of receipt/production of a copy of this order. With the direction/observation aforesaid, this application is disposed of.