

(2004) 12 PAT CK 0046
In the Patna High Court
Case No : C.W.J.C. No. 8722 of 1999

Shambhu Prasad

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 02-12-2004

Acts Referred:

Citation : (2004) 3 BLJR 2281 : (2005) 1 PLJR 285

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Ajay Mishra, for the Appellant; JC to AAG II, for the Respondent

Judgement

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

2. The writ petitioner has challenged the order, as contained in Annexure-1 dated 14.1.1999, whereby and whereunder it was communicated that nobody will be engaged on daily wages in compliance of order of the Collector dated 3.9.1998.

3. It is submitted by learned counsel for the petitioner that the petitioner worked on daily wages" since long and continued till passing of the order impugned, but his due wages have not been paid. A further prayer has also been made to regularise the petitioner on Class IV post.

4. The factum of continuance of the petitioner on daily wages till passing of the order impugned, as contained in Annexure-1, is in dispute.

5. According to the case of the respondents, the petitioner is said to have worked up to January 1996 and his due payments were made by the respondents.

6. From Annexure-1, it is manifest that the authorities decided not to engage anybody on daily wages and this order was communicated to the petitioner also vide memo No. 8 dated 14.1.1999, which presupposes that the petitioner continued till passing of the order impugned dated 23.10.1998. It further appears from the materials on record that after passing of the order impugned, as contained in Annexure-1, the petitioner has not worked any more on daily

wages.

7. The petitioner, in that view of the matter, would be entitled for his wages atleast up to issuance of order impugned dated 23.10.1998 and in case, his due wages are found to be not paid then the authorities should pay the same to the petitioner till the date he worked under them within a period of three months from the date of receipt/production of a copy of this order.

8. So far the claim of the petitioner for his regularisation is concerned, in my opinion, no direction is required to be issued, as he is not continuing on the roll of the respondents as daily wage employee.

9. With the direction/observation aforesaid, this application is disposed of.