
(2016) 07 JH CK 0065
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5178 of 2014

Sheo Kumar Tiwary

APPELLANT

Vs

Jharkhand State Electricity Board

RESPONDENT

Date of Decision : 27-07-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 4 JLJR 578

Hon'ble Judges : Mr. H.C. Mishra, J.

Bench : Single Bench

Advocate : Mr. Kundan Kumar Srivastava, Advocate, for the Petitioner; Mr. Rajiv Ranjan, Advocate, for the Respondents

Final Decision : Dismissed

Judgement

Mr. H.C. Mishra, J. - Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed this writ application with a prayer for quashing the order, contained in memo No. 310 dated 14.2.2014, passed by respondent No. 5, Executive Engineer, Electric Supply Division, Daltonganj, as contained in Annexure-11 to the writ application, whereby pursuant to the order dated 12.11.2013 passed by this Court in W.P.(S) No. 7676 of 2012, the representation of the petitioner has been disposed of, stating that the petitioner was not working in the department and no payment is due to the petitioner with effect from August 2009.

3. The facts of the case lie in a short compass. The petitioner had earlier filed W.P. (S) No. 7676 of 2012 before this Court claiming that the petitioner was appointed as Lineman in the Jharkhand State Electricity Board in the office of Electrical Executive Engineer, Electric Supply Division, Daltonganj since 2003 on daily wages. The grievance of the petitioner was that the admissible daily wages were not being paid to him from August 2009. By order dated 12.11.2013 as

contained in Annexure-7 to the writ application, the said W.P.(S) No. 7676 of 2012 was disposed of giving liberty to the petitioner to approach the Executive Engineer, Electric Supply Division, Daltonganj, with a fresh representation for redressal of his grievance, which was directed to be disposed of, by the Executive Engineer.

4. Pursuant to the said order contained in Annexure-7, a detailed order has been passed by the Electrical Executive Engineer, Electric Supply Division, Daltonganj, bearing memo No. 310 dated 14.2.2014, whereby the representation of the petitioner has been rejected. The impugned order shows that the petitioner was given personal hearing and the documents produced by the petitioner in his support, which were some duty charts and some orders for making payments to the petitioner, were also considered and the respondent No. 5 has come to the conclusion that some of the documents produced by the petitioner were doubtful. The fact remains that by the impugned order, the claim of the petitioner has been rejected and it has been held that the work was not taken from the petitioner as Lineman and his claim for payment of wages has also been rejected.

5. Learned counsel for the petitioner has submitted that the impugned order passed by the respondent No.5, Executive Engineer, Electric Supply Division, Daltongaj, is absolutely illegal and arbitrary and is violative of Articles 14 and 16 of the Constitution of India. It is submitted that there were documents to show that the works had been taken from the petitioner from time to time as Lineman and some orders were also passed by the higher authorities for making payment to the petitioner. Learned counsel has accordingly, submitted that the impugned order cannot be sustained in the eye of the law.

6. No counter affidavit has been filed in this writ application in spite of sufficient time granted to the learned counsel for the Jharkhand State Electricity Board. However, learned counsel for the Electricity Board submits that there is no illegality in the impugned order.

7. Having heard learned counsels for both the parties and upon going through the record, I find that no document of any appointment or engagement on daily wages against any sanctioned/approved post has been brought on record by the petitioner even in the present writ application. The petitioner is claiming that by the order of the higher authorities, he was engaged in the Electricity Board and from time to time, works were taken from him and orders were also passed for making payment. However, this fact is clearly disputed in the impugned order dated 14.2.2014 passed by the Executive Engineer, Daltonganj, and it is stated in the impugned order that no work was taken from the petitioner and he was not entitled to any payment of salary.

8. In view of the fact that the petitioner has also not produced any order showing his appointment or engagement on daily wages against any sanctioned/approved post, I am of the view that this case is one of the back door engagement of the petitioner. As such, I do not find any illegality in the impugned order, as

contained in Annexure-11 to the writ application, rejecting the claim of the petitioner.

9. There is no merit in this writ application and the same is accordingly, dismissed.