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**(2001) 12 PAT CK 0027**  
**In the Patna High Court**  
**Case No : C.W.J.C. No. 15064 of 2001**

Sukhari Prasad

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

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**Date of Decision :** 03-12-2001

**Acts Referred:**

**Citation :** (2002) 1 PLJR 541

**Hon'ble Judges :** R.N. Prasad, J

**Bench :** Single Bench

**Advocate :** Ratan Prasad Sinha, for the Appellant; Ram Chandra Pd. Bharti, Ramesh Kr. Singh, Bajrangi Lal and Md. Nadeem Siraj for Respondent Nos. 2, 3 and 4, for the Respondent

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## Judgement

R.N. Prasad, J.—The Petitioner was engaged on daily wages on 1.10.1985. He was disengaged vide annexure 1 dated 17.4.1996. The Petitioner has come before this Court for quashing the order, annexure 1, as the other persons similarly situated have been granted relief in C.W.J.C. No. 7756 of 1996, annexure 3. Evidently, the Petitioner has come before this Court after more than five years from the date of issue of order, annexure 1. It has been stated by the learned Counsel for the Petitioner that the Petitioner was waiting for result, annexure 3. Such plea for not coming to this Court, in my view, is not at all tenable and it can safely be said that it is a belated petition.

2. Learned Counsel for the Respondents pointed out that the Petitioner was engaged on daily wages in engineering cell which has been now closed. In support of his submission he pointed out annexure 1 where from it appears that there is no work in the engineering cell and there is no need of engagement on daily wages in the engineering cell. Learned Counsel for the Respondents in support of his submission relied upon a Division Bench decision in the case of Arun Kumar Vs. The State of Bihar and Others, , wherefrom it appears that the Division Bench has noticed the fact that engineering cell in the Corporation has been abolished and held that there can be no justification to issue any direction

to the Corporation to consider the Appellant's case. Learned Counsel for the Petitioner, however, disputed that the Petitioner was engaged in engineering cell on daily wages.

3. In such a situation, the writ petition is disposed of directing the Respondent concerned to see as to whether the Petitioner was engaged in engineering cell or not and whether he requires engagement on daily wages or not and pass necessary order in accordance with law.