

(2013) 03 JH CK 0127
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5676 of 2001

Surith Singh

APPELLANT

Vs

Administrator, Bihar State Co-operative Land Development
Bank Ltd.

RESPONDENT

Date of Decision : 01-03-2013

Acts Referred:

Income Tax Act, 1922 — Section 66(2)

Citation : (2013) 2 AJR 795

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Naresh Prasad Singh and Arvind Kumar Singh, for the Appellant;
Mahesh Kumar Sinha, for the Respondent

Judgement

S. Chandrashekhar, J.—The petitioner was working under Bihar State Co-operative Land Development Bank Ltd. as a jeep driver since 13.01.1987. He is aggrieved by order dated 09.11.2000. He has filed the present petition seeking a direction upon the respondents to pay wages from 09.11.2000 till the service rendered by him and for regularization of his service. A counter-affidavit has been filed on behalf of the respondents denying the claim of the petitioner. It is the stand of the respondents that by order dated 09.11.2000 the service of the petitioner has been terminated and therefore, there is no question of payment of wages to the petitioner.

2. Heard learned counsel for the petitioner and the respondents. The learned counsel for the petitioner has confined his argument only to payment for the period the petitioner had worked. From the record of the case it appears that on 19.12.2000 the District Manager, Jamshedpur has written a letter to the Deputy General Manager, Bihar State Co-operative Land Development Bank Ltd., whereby it has been recommended that the petitioner may be kept in service.

3. Relying on the said letter the learned counsel for the petitioner has further submitted that though it has been contended by the respondents that the service

of the petitioner has been terminated from 09.11.2000 the letter itself would indicate that the petitioner has been working till 19.12.2000. The said District Manager has written letters dated 20.06.2001 and 10.08.2001 also to the same effect.

4. Learned counsel for the respondents has drawn my attention to paragraph Nos. 7,8 and 9 of the counter-affidavit, which are reproduced as under:

Para-7:-- That it is most humbly stated and submitted that the petitioner has got effective alternative remedy departmentally and without availing the said remedy the petitioner has hastened to approach this Hon''ble Court.

Para-8 :-- That with regard to the statements made in paragraph No. 1 sub-para (a)(i), (ii) & (iii) of the writ application, it is stated and submitted that the Respondent No. 1 Administrator by office order contained in Memo No. 11025 dated 9/11/2000 directed all the concern officer of the Bank to remove all these daily wages workers and workers working on the principle of equal pay for equal work, who are not specially needed and due to financial crisis of the Bank and further directed the concern officers to remove the daily wages workers/workers for equal pay for equal works with immediate effect and in this regard, the petitioner was already removed as a daily wages with effect from 9/11/2000. So there is no question made out for payment of petitioner's wages from 9/11/2002 to till date. Except it contrary statements are false and baseless.

Para-9:--That with regard to the statements made in paragraph-1 sub-para-b of the writ application, it is stated and submitted that the petitioner moved before this Hon''ble Court earlier through a writ petition being C.W.J.C. No. 780 of 1995(R) for the same self relief, which was disposed off vide order dated 21/4/1995 with a direction upon the petitioner to file a fresh representation before the respondent No. 2, Administrator, Bihar Rajya Sahakari Bhoomi Vikas Bank Samitee, Patna, who will dispose off, the representation by a speaking order and if the grievance of the petitioner found to be genuine an appropriate order must be passed forthwith (Annexure-2 of the writ application). Thereafter this petitioner filed a representation dated 3/7/1995 before the respondent No. 1 (Annexure-3 of the writ application) and after considering all the materials available in records, the respondent No. 1 find no merit and rejected the representation filed by the petitioner for regularization of his service vide memo No. 68/M.D.C. dated 23/8/1995 (Annexure-4 of the writ application). It is further stated and submitted that this petitioner after 7 years further prayed same relief in this writ application, which is against the law. The Annexure-4 of the writ application is legal, valid and in terms and guidelines formulated by the Hon''ble High Court as well as Hon''ble Supreme Court and as such the petitioner has not made out any case for interference of this Hon''ble Court. It is humbly stated and submitted that no legal right of the petitioner has been infringed and as such there is no scope for making any grievance by the petitioner before the Hon''ble Court. The petitioner is not at all entitled to any relief much less as prayed for in the writ application.

5. From the record of this case, it appears that the petitioner had earlier approached this Court in C.W.J.C. No. 780 of 1995(R), whereby the petitioner was given a liberty to make a representation to the respondents and the respondents were directed to pass speaking order. It is the case of the respondents that in compliance of the order dated 21.4.1995 the respondents have passed order dated 09.11.2000.

6. With reference to the letter dated 19.12.2000 and the statements made in the counter-affidavit, I find that the petitioner may have some genuine grievance with regard to the non-payment of daily wages to him for the period he worked for the respondents. The learned counsel for the petitioner submitted that this writ petition may be disposed of with a liberty to the petitioner to make a fresh representation.

7. In view of the above materials on record a liberty is given to the petitioner to make a fresh representation to the respondents, who will verify the claim of the petitioner insofar as the claim regarding non-payment of daily wages to the petitioner for the days he has worked for the respondent, is concerned.

8. The writ petition is disposed of accordingly. There shall however, be no order as to costs.