

(2002) 01 JH CK 0061
In the Jharkhand High Court
Case No : WP (S) No. 3386 of 2001

Abdul Aziz

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-01-2002

Acts Referred:

Citation : (2002) 01 JH CK 0061

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : S.S. Choudhary, for the Appellant; J.C. to S.C.-I, for the Respondent

Judgement

The Court

1. Heard. The petitioner has preferred this writ petition for a direction on the respondents to regularise his services, as he is working on daily wages continuously, interruptedly since last 17 years.
2. The case of the petitioner is that he is working on daily wages since 1.1.1983 and performed duties of Godown Chowkidar in SNFPA, Project, Godda. His services has been taken over in the Building Construction & Housing Department and is presently posted at Sub-division-Rajmahal, Sahibganj.
3. Reliance has been placed by the petitioner on an order, passed by this Court on 30th October, 2000 in CWJC No. 10782 of 2000. Md. Parwez Alam and Anr. v. State of Bihar and Ors., wherein certain directions have been given to the Chief Engineer. Building Construction and Housing Department. Chhotanagpur and Santhalparganas Division to fill up certain Class-IV posts within the stipulated period.
4. The fact that the petitioner is working on daily wages since 1983 has not been disputed by respondents No. 2, 5 and 7, who have filed Joint counter affidavit. It is stated that due weightage will be given on the roll of department in terms with the Government's Circular No. 5040 dated 18th June, 1993 and the Building

Construction Division Letter No. 4299 dated 30th October, 1998 to the daily wages including the petitioner.

5. Having regard to the facts and circumstances, I direct the respondents to consider the case of the petitioner and other similarly situated persons, if any, for regular appointment as and when Class IV posts is filled up in near future. In such case the petitioner and other similarly situated daily wages employees be given weightage over the outsiders, as per the Government's circular dated 18th June, 1993 and, if necessary, they shall be given appropriate age relaxation.

6. The Chief Engineer, Building Construction and Housing Department, Jharkhand, Ranchi, will enquire from the Sahibganj Division about the number of Class-IV posts vacant to be filled up, in accordance with law, within two months from the date of receipt/production of a copy of this order. If any such post is vacant, the respondents will fill up the same as per law and direction, as given above, preferably within six months from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed of with the aforesaid observations and directions.