
(2010) 02 JH CK 0090
In the Jharkhand High Court

Balmati Devi and Sohrai Munda

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-02-2010

Acts Referred:

Citation : (2010) 02 JH CK 0090

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Since the issues involved in both the writ applications are identical, they are disposed of by this common order.

2. The petitioners in these writ applications, who were engaged on temporary basis in the Department of Water Supply and Sanitation, Govt. of Jharkhand, have prayed for a direction upon the respondents to regularize their services.

3. Heard learned Counsel for the parties.

4. As it appears from the submission made by the counsel for the petitioners, husband of the petitioner in WPS No. 3936/04 and the father of the petitioner in WPS No. 3943/04, were initially employed on temporary basis under the respondents in the same Department. Upon the employees dying in harness, the present petitioners had applied for grant of compassionate appointment. Their services were engaged initially on muster roll and they were given the impression that their engagement was made on compassionate basis, though subject to the final approval of the District Compassionate Committee. Learned Counsel for the petitioners informs that both the petitioners have been continuously rendering their services, though on temporary basis, but on regular pay scales for the past more than nine years and yet, their prayer for regularization in service has not been considered by the concerned authorities of the respondents.

5. Relying upon the full bench judgment of this Court in the case of Ram Prasad Singh v. State of Jharkhand 2005 (3) JLJR 38, learned Counsel submits that this

Court had settled the issue by declaring that the temporary employees who have been working for more than five years in any work charged establishment on regular pay scales, are entitled for regularization of their services. Learned Counsel submits that both the petitioners in the present writ applications have earned their eligibility long ago and the respondents ought to have granted regularization of their services accordingly.

6. Counsel for the respondent State submits on the other hand that though, by the initial letters of appointment, the petitioners were given to understand that they have been appointed on compassionate ground, but subsequently, the initial letters of appointment was withdrawn in view of the fact that no such recommendations for their regularization was made by the Compassionate Appointment Committee. Learned Counsel however admits that both the petitioners have been rendering continuous service on daily wage basis ever since their date of respective appointment in the year 1986.

7. Considering the aforesaid facts and circumstances, both the writ applications are disposed of by this order, remitting the case of the petitioners to the Secretary, Department of Water Supply and Sanitation, Government of Jharkhand, Ranchi (Respondent No. 2) who shall consider the claim of the petitioners in the light of the facts of the individual cases and in the light of the ratio decided in the case of Ram Prasad Singh (Supra) and decide upon the petitioners' claim, within three months from the date of receipt/production of a copy of this order. The decision so taken, shall be effectively communicated to the petitioners individually. With these observations, these writ applications are disposed of at the stage of admission.

8. Let a copy of this order be given to the counsel for the respondent State.