
(2012) 07 JH CK 0225
In the Jharkhand High Court
Case No : WP (S) No. 2297 of 2005

Binoy Kumar

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-07-2012

Acts Referred:

Citation : (2012) 4 JLJR 409

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : S.N. Pathak and Din Dayal Saha, for the Appellant; Rakhi Rani, for the Respondent

Judgement

Alok Singh, J.—Photostat copy of order dated 18th July, 2009 issued under the signature of Sri D.K. Saxena, Special Secretary of Government of Jharkhand is handed over in the Court, which is taken on record as "A". Mr. Dr. S.N. Pathak, learned Senior Counsel appearing for the petitioner has fairly contended that although State of Jharkhand should have issued circular/notification or should have framed Rules/Regulations making provision to regularise the services of those daily wagers/temporary/ad-hoc employees, who are working for last more than ten years as directed by Hon"ble Apex Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, . However, it seems that without making such a scheme/regulation/notification or circular, services of employees are being regularised by the State as it appears from perusal of order dated 18th July, 2009. Dr. Pathak, learned Senior Counsel has further argued that let Respondents take decision in the case of the petitioner also, in view of their own order dated 18th July, 2009 and in view of the fact that petitioner is working for the last more than 27 years against the sanctioned post.

2. Ms. Rakhi Rani appearing for the respondents has stated that although petitioner is working for last more than 27 years, but he is not appointed or is working against the sanctioned post.

3. Be as the case may be, facts remains that petitioner is working without confirmation/regularisation for last more than 27 years. State Government is expected to frame Rules/Regulations or issue policy decision pertaining to the regularisation of such employees, who are working for more than ten years, in view of the dictum of the Hon''ble Apex Court in the case of Uma Devi (supra). There is nothing on the record and learned counsel for the parties are not in a position to give statement as to whether order dated 18th July, 2009 was passed pursuant to any scheme or not.

4. Ms. Rakhi Rani, learned counsel for the Respondents submits that petitioner's case shall be considered in accordance with law within 90 days from today. However, petitioner should make a representation before Respondent Nos. 1 and 2 so that appropriate decision may be taken thereon. In the peculiar facts and circumstances of the case, present petition is disposed of with the direction that petitioner shall move a representation before Respondent Nos. 1 and 2 within 30 days from today and decision thereon shall be taken by the State Government within 90 days in accordance with law. It is expected that State Government shall come up with definite scheme in view of the decision of the Apex Court in the case of Uma Devi (supra).