
(2018) 10 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition No. 2199 (SS) of 2015

Champa Devi

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 09-10-2018

Acts Referred:

Citation : (2018) 10 UK CK 0032

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Jitendra Chaudhary, V.D. Bisen

Final Decision : Dismissed

Judgement

Alok Singh, J.

1. Petitioner was appointed as Anshkalik Kahar in 1995 on daily wage basis in District Almora. District Almora was bifurcated and new District

namely Bageshwar was carved out from District Almora and petitioner was transferred to District Bageshwar and petitioner was engaged as Junior

Clerk. In 2002, services of some employees were regularized except petitioner. Feeling aggrieved, petitioner approached this Court for her

regularization. Said writ petition was dismissed but she was permitted to work. Her term was extended from time to time. In 2011, Regularization

Rules were framed. Petitioner's case was considered for regularization but her services were not regularized due to non fulfillment of criteria laid

down in the said Rules. Feeling aggrieved, petitioner has approached this Court.

2. Heard Mr. Jitendra Chaudhary, Advocate for the petitioner and Mr. V.D. Bisen, Brief Holder for the State.

3. In the judgment of Secretary, State of Karnataka Vs. Uma Devi reported in

2006 (4) SCC 1, the Honâ??ble Apex Court directed the State

Government to frame guidelines for regularization as one time measure. This Court cannot issue direction for regularization again and again. In

paragraph 53 of the Uma Deviâ??s judgment (supra) the Honâ??ble Supreme Court has held as under:

â??53. â?|â?|â?|â?|â?|..In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of

orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to

be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from

this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be

no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional

scheme.â??

4. Petitioner had not worked continuously. There were breaks in the service of petitioner. Case of the petitioner for regularization had already been

considered and rejected by the respondent Department, therefore, no direction for regularization can be issued.

5. In view of the above, writ petition fails and is hereby dismissed. No order as to costs.