
(2001) 09 JH CK 0051
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4720 of 2001

Ganesh Sah

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-09-2001

Acts Referred:

Citation : (2001) 09 JH CK 0051

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

Bench : Single Bench

Advocate : Sunil Kumar Sinha, for the Appellant; A.K. Mehta, J.C. to S.C. II, for the Respondent

Judgement

1. This application has been preferred by petitioner for direction on the respondents to regularise his services against an appropriate class IV post.
2. According to petitioner, his father late Radha Sah was in the services of State in its Public Health Engineering Department. He having died in harness, petitioner was provided with employment vide memo No. 87 dated 31.3.1984 to perform the duty of Khalasi but on daily wage.
3. The grievance of the petitioner is that the respondents have not yet considered his case for regularisation/regular appointment against class IV post.
4. It was brought to the notice of the Court that the State Government by its resolution dated 18th June, 1993 while directed to terminate the services of those appointed on daily wage after 1.8.1985 directed to provide regular appointment to those who have completed 240 days of service in a calendar year prior to 1.8.1985 and to give them preference over outsiders.
5. In the present case the petitioner has claimed that he has been appointed on 27.1.1984. If that be so he has completed more than 240 days of service on 1.8.1985, he is entitled for regular appointment by getting preference over outsider.

6. Further, if the claim of petitioner is found to be correct that he was engaged by way of compassionate appointment then in that case respondents cannot deny the petitioner regular appointment, if any class IV post is vacant.
7. To determine the aforesaid issue the case is remitted to Superintending Engineer, P.H.E. Department, Civil Circle, Jamshedpur, who will look into the matter and decide the claim by reasoned order within two months from the date of receipt of a copy of this order.
8. It is needless to say that of the initial engagement of petitioner was made because of compassionate appointment and if any class IV post is vacant the respondents are bound to give regular appointment to the petitioner against such post, otherwise his case to be considered for regular appointment in terms with Resolution dated 18th June, 1993.
9. Further, if the respondents in absence of vacancy are not in a position to provide regular appointment to those who are working on daily wage basis since 1982-83 they will be liable to pay daily wage, total of which should be equivalent to minimum of the scale of the post plus admissible allowances.
10. The petitioner shall file a representation before the Superintending Engineer, P.H.E. Department, Civil Circle, Jamshedpur, along with a copy of this order.
11. If any adverse decision is taken the said authority will communicate the ground to the petitioner within the aforesaid period of two months.
12. The writ petition stands disposed of.