
(2001) 08 JH CK 0004
In the Jharkhand High Court
Case No : CWJC No. 568 of 2000 (R)

Golesta Tigga

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 01-08-2001

Acts Referred:

Citation : (2001) 08 JH CK 0004

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : S.B. Gadodia, B.P. Mishra, R.K. Verma and U.N. Choudhary, for the Appellant; Rabindra Prasad, JC to SC I, for the Respondent

Judgement

M.Y. Eqbal, J.—Heard learned counsel for the parties.

2. The petitioner, who is a scheduled tribe lady, approached this Court challenging the order of termination of her services as a typist clerk and prayed for a direction to the respondents to regularise her services.

3. The petitioner completed her one year course in Hindi and English typing in the year 1986. In 1988 she was appointed as typist in the office of Public Health and Engineering Department, vide office order dated 30.3.1988. A copy of the office order has been annexed as Annexure 2 to the writ application. From perusal of this letter of appointment, it appears that the employment was given to the petitioner for the specific reason that she was a scheduled tribe lady. Since, March. 1988 she has been continuously working as typist without any break in service even for a day. In 1991 internal correspondences were made by the Department for her regularisation against the vacant sanctioned post available in the Department. From the letter dated 5.4.1990 issued by the Executive Engineer and addressed to the Regional Chief En- gineering PHED, Ranchi, it is evident that the case of the petitioner for regularisation was recommended against two sanctioned vacant posts available there. However, while the petitioner was continuing in service as a typist an office order dated

13th December, 90 was issued by the Regional Chief Engineer for appointment on the said post for a further period of three months. Even after the expiry of three months she continuously worked till January, 2001 when the impugned letter dated 12.1.2000 was issued terminating the services of the petitioner with effect from 12.1.2000, it is, therefore, evident that this is not a case where a person was appointed time to time on daily wages as and when services of such person was required by the Department rather it is a case where the petitioner was appointed in March, 1988 with effect from 26.3.1988 and since then she has been working. Not only that in 1991 she was given regular pay scale and her case was time to time recommended for regularisation.

4. Having regard to the fact that the petitioner was given employment specially for the reason that she is a scheduled tribe lady and certificates were time to time issued by the authorities regarding her satisfactory performance of Hindi and English typing and further in 1989 the case of the petitioner for regularisation was recommended by the authorities, it is not just and proper to remove the petitioner from services after 15 years. In the special facts and circumstances of the case, I am of the opinion that the case of the petitioner for regularisation needs consideration by the respondents-authorities.

5. I, therefore, without interfering with the impugned order, dispose of this writ application with a direction to the Regional Chief Engineer, Public Health and Engineering Department, Government of Jharkhand, Ranchi to consider the case of the petitioner for regularisation and take a decision by passing a reasoned order within six weeks from the date of receipt of a copy of this order.

6. Disposal of with directions.