

(2004) 04 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3242 of 2002

Gunjardeo Ram and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-04-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 227

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Saurav Arun, for the Appellant; Shamim Akhtar, S.C. II, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. Saurav Arun, learned counsel appearing for the Petitioners and Mr. Shamim Akhtar, learned S.C. II for the State-Respondents.

2. The Petitioners, who are presently all work-charged employees working under the authorities since 1983/1988, have prayed for a command upon the respondents for regularization of their services and for payment of salary following the principles of equal pay for equal work. During the course of arguments, both the learned counsels produced for perusal of this Court a Scheme which has now been formulated by the Government of Jharkhand in relations the work-charged employees and also in relation to daily wage earners. It is evident from reading the contents of the said Scheme that it has been issued on the basis of judicial orders. The Scheme was circulated vide Memo No. 9334 dated 16.12.2003. It is therefore not necessary for this Court to go into the other facts of this case as this Court considers it appropriate to direct the respondents to strictly abide by the terms of the aforementioned Scheme, To that extent therefore, the respondents, while doing the needful, will obviously give an opportunity of hearing to the petitioners to produce the aforementioned Scheme and/or any other documents that they may like to rely upon. In that view of the matter, the petitioners are given liberty to file a representation and to

move the appropriate authority for redressal of their grievances. It goes without saying that the respondents will strictly abide by the said Scheme and in case they find that the petitioners are not entitled then they will be obliged to pass a reasoned order. It also goes without saying that if the petitioners are found entitled, then the respondents shall consider as to whether the Scheme is to be given effect prospectively or retrospectively. The entire exercise shall be completed within a period of 4 (four) months from the date of receipt of a copy of this order.

3. After the aforementioned order Was dictated, Mr. Saurav Arun, learned counsel for the petitioners stated that the petitioners have not been paid any amount from October 2002. if this be factually correct, then the authority dealing with the same shall pass necessary orders and release the amounts which they were receiving earlier without prejudice to the decision to be taken in the manner indicated above.

4. The Writ Petition stands disposed off. There shall however, be no order as to costs.