

(2002) 04 JH CK 0059
In the Jharkhand High Court
Case No : C.W.J.C. No. 331 of 2000

Harendra Kumar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 03-04-2002

Acts Referred:

Citation : (2002) 04 JH CK 0059

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

Bench : Single Bench

Advocate : M.M. Pal, for the Appellant; R.K. Merathia, G.P.-II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by petitioner against the letter dated 31.10.1999 whereby and whereunder his services have been terminated.

2. The case of the petitioner is that he was engaged on daily wage and working since 1.2.1982 continuously and after about 17-1/2 years, his services have been terminated though he was eligible for consideration of his case for regularisation as per Government Resolution No. 5940 dated 18.6.1993.

3. It is stated that the name of petitioner was forwarded for regularisation vide Annexure-2 and persons similarly situated like Md. Irfan. in his case, this Court vide order dated 27.3.2001 in C.W.J.C. No. 2840/99(R) [See 2001 (21) JCR 112 (Jhr) directed to regularise the service of said Md. Irfan. The judgment aforesaid was affirmed by a Division Bench in L.RA. No. 271/2001 as also by the Supreme Court in SLP No. (Civil) No. 15175/2001.

4. It was pointed out that Md. Irfan filed writ petition for regularisation of service and in the meantime, he was retrenched but the Court passed order in his favour on 27.3.2001.

5. The stand taken by the respondents is that the unit in which the petitioner was working, namely. Logging Department having been closed, service of

petitioner was terminated. In this respect, the stand taken by the petitioner is that initially he was engaged as daily wage clerk in the Divisional Forest Officer. State Trading Division and was transferred from one place to other and lastly posted in Noamundi Logging Area.

6. The aforesaid fact has been accepted by the respondents in their counter affidavit.

7. It is not in dispute that the petitioner was engaged on daily wage and was working since 1.2.1982. It also appears that similarly situated person, namely. Md. Irfan was engaged on daily wage and in his case the Court directed to regularise his service, he having worked for about 19 years. From the Resolution No. 5940 dated 18.6.1993. it is evident that the Government while directed to terminate the services of daily wage appointed after 1.8.1985, made specific provision for regular appointment of those appointed earlier and completed 240 days giving preference over outsiders.

8. Counsel for the petitioner also produced a circular issued by Personal and Administrative Reforms Department. Government of Bihar vide Resolution No. 2-205/ 79-106 dated 5.9.1979 wherein general principle has been laid down for adjustment of the retrenched employees in other units, if the post are available.

9. In the aforesaid background, the petitioner having worked for about 17 years on daily wage and his case being similar to Md. Irfan (supra) and there being provision to accommodate the retrenched employees, the case is remitted to Chief Conservator of Forest, State Trading, Ranchi to enquire as to which place there is need of work and then to accommodate the petitioner. On such accommodation, the respondents will consider the case of petitioner for regular appointment against vacant post, alongwith other similarly situated persons giving preference over outsiders.

10. The first part of the order relating to accommodation of petitioner in other place be complied within three months and the second part relating to regularisation of service be complied, preferably within six months thereof.

11. In case of any difficulty, the authority will communicate the ground to the petitioner within the aforesaid period.

12. The writ petition stands disposed of with the aforesaid observations/directions.