

(2008) 09 JH CK 0061
In the Jharkhand High Court

Heera Prasad Ramani

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-09-2008

Acts Referred:

Citation : (2008) 09 JH CK 0061

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Petitioner in this writ application, has prayed for a direction to the Respondents for regularization of his service on the post of Roller Driver in D.R.D.A., Deoghar and also for a direction to pay the minimum scale of pay admissible with allowances etc. with effect from 12.09.2008 in pursuance to the order dated 15.09.2000 (Annexure-4A) passed in C.W.J.C. No. 7888 of 2000 disposed of on 30.08.2000 (Annexure-4) which was passed in C.W.J.C. No. 8085 of 2000 in the case of Arun Kumar Singh v. The State of Bihar and Ors. and further prayer to direct the Respondents to pay the arrears of wages, which is due since May, 2006 till date.

Heard the parties.

Learned Counsel for the petitioner explains that the petitioner has been working since the last 20 years under the Respondents continuously on daily wage basis. The petitioner's post is a sanctioned post. The services of two similarly situated employees were regularized pursuant to an order, passed by this Court earlier in C.W.J.C. No. 9327 of 2000 and they are being paid the minimum wages and allowances as permitted by law. But in spite of repeated representations by the petitioner and despite the fact that the services has been continuously taken by the Respondents even now, the petitioner has neither been regularized in service nor has he been paid the minimum wages admissible under the law.

2. Referring to the order passed in W.P. (S) No. 797 of 2008 in the case of Arun Kumar Singh v. State of Jharkhand and Ors., learned Counsel submits that an

identical issue was raised in the aforementioned case by some of the similarly aggrieved employees and this Court has directed the Respondents to take appropriate decision regarding regularization of the services of the petitioners therein, in terms of the order passed in C.W.J.C. No. 8085 of 2000 the Patna High Court.

Counter affidavit has been filed on behalf of the Respondents.

3. Learned J.C. to G.P. III, representing the Respondent-State of Jharkhand is present and submits that the representation of the petitioner is still in the process of being considered by the Deputy Commissioner, Deoghar.

4. Considering the above submissions, this writ application stands disposed of with a direction to the Respondent No. 5 to take appropriate decision, if not already taken, regarding the regularization of the petitioner's services in terms of the earlier order passed in W.P. (S) No. 797 of 2008 and in C.W.J.C. No. 8085 of 2000 and to release the arrears of wages to the petitioner. The entire exercise must be completed by the Respondent No. 5 within a period of two months from the date of this order.

5. With the aforesaid observations and directions, this writ application stands disposed of.

Let a copy of this order given to the learned Counsel for the State.