
(2002) 04 JH CK 0044
In the Jharkhand High Court
Case No : CWJC No. 2820 of 2000 (R)

Jawed Nehal

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 30-04-2002

Acts Referred:

Citation : (2002) 04 JH CK 0044

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

Bench : Single Bench

Advocate : M.K. Sinha, for the Appellant; G.P. I, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner claims to be working on daily wage and performing duty of clerk without any break since 12th February, 1982. His grievance is that the respondents have not yet considered his case for regularisation /regular appointment though persons similarly situated have been regularised.

2. The case of the respondent Is that on the recommendation of a Committee of the Bihar Legislature Assembly the services of daily wages employees were regularised as clerk. All of them were engaged prior to the engagement of the petitioner. There being no vacancy left the service of petitioner was not regularised.

3. A rejoinder stated to have been filed by petitioner enclosing evidences to suggest that a number of posts are vacant as on 2nd February, 2000.

4. Admittedly the State Government has framed scheme for regularisation/ regular appointment of daily wage employees who were engaged prior to 1st August, 1985 and completed 240 days of service vide Resolution No. 5940 dated 18th June, 1993. As per such scheme a daily wage employee engaged prior to 1st August, 1985 is entitled for weightage and relaxation of age, if overage.

5. In the present case, as it is not in dispute that the petitioner is working on

daily wage since 12th February, 1982 without any break and after the re-organisation of State, the question of regularisation/regular appointment to be determined by the Transport Commissioner, Jharkhand, Ranchi the petitioner is given liberty to approach the aforesaid officer.

6. If the petitioner prefers any representation, the Transport Commissioner, Government of Jharkhand, Ranchi will get the matter enquired from the concerned office and consider the case of petitioner for regularisation of his service/regular appointment as per Government Resolution No. 5940 dated 18th June, 1993 within a period of four months from the date of receipt of such representation.

7. In case selection and appointment is not completed within the time scheduled above the respondents will pay the petitioner wages in the minimum of the scale of pay of the post of which he is performing duly as also the other admissible allowances.

8. The writ petition stands disposed of with the observation and directions.