

(1988) 12 GUJ CK 0004
In the Gujarat High Court

K.N. Thanaki and Others

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 21-12-1988

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1989) 2 GLR 1238

Hon'ble Judges : R.A. Mehta, J;G.T. Nanavati, J

Bench : Division Bench

Judgement

G.T. Nanavati, J.—The petitioners in all these petitions are work-charged employees. The question which they have raised in these petitions is with respect to the status and right to be absorbed on completion of five years" service.

2. It is the grievance of the petitioners that even though they had completed five years" service as workcharged employees, they are not treated as temporary Government servants and are not given all the benefits on that basis. It is submitted that continuing the employees on workcharge establishment eventhough they had completed more than five years" service, is illegal and in violation of Article 14 of the Constitution. It is also the contention of the petitioners that they are entitled to the status of temporary or permanent Govt, servants in view of the Resolution No. PAS/5575/(45)/C dated 8-1-1976.

3. In response to the rule issued by this Court, the respondents have filed their reply affidavits and therein, they have pointed out that the Government is giving benefit to these employees on workcharge establishments as per the said Government Resolution. It is further pointed out that as per the said Resolution and the policy of the Government, the workcharge employees are given the benefits given to temporary employees, but they are not entitled to the status of a temporary employee. It is further pointed out that on completion of number of years as specified by the Government, they become eligible for being absorbed as temporary employees, but actual absorption has to take place as and when vacancies arise.

4. The fact that the petitioners are workcharged employees, is not in dispute. Merely because they have put in certain number of years' service That cannot entitle them to the status of a temporary or permanent Government servants. As rightly pointed out in the reply affidavit, on completion of certain number of years, they become eligible for absorption as temporary servants. That does not mean that they become entitled to be appointed and treated as temporary employees immediately after they become eligible to be absorbed as temporary employees. Their actual absorption has to take place in accordance with their seniority and availability of posts. We are, therefore, of the opinion that the action of the respondents in not treating them as temporary or permanent servants and not giving all the benefits on that basis, cannot be said to be illegal or arbitrary.

In the result, these petitions fail. Rule is discharged with no order as to costs.