

(2016) 11 JH CK 0139
In the Jharkhand High Court
Case No : W.P.(S) No. 2548 of 2013

Krishna Tiwary

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 22-11-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 JLJR 28

Hon'ble Judges : Mr. Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. A.K. Pathak, Advocate, for the Petitioners; Mr. Rakesh Kumar Shahi, JC to AAG, for the Respondent/State

Final Decision : Dismissed

Judgement

Mr. Shree Chandrashekhar, J.—Aggrieved of the condition contained in Memo dated 16.03.2011, which is the order of absorption of the petitioners in a Class-IV posts, where under petitioners have been deprived of a claim arising in respect of past services, the present writ petition has been filed.

2. Heard.

3. Briefly stated, the petitioners were appointed on daily wages in the year, 1982. The dispute relating to service of the petitioners and other employees came before this Court and finally, the dispute was settled by the order passed by the Supreme Court in Special Leave Petition (Civil) No. 18164 of 1999. It appears that after the order passed by the Supreme Court petitioners' service was regularised however, the order of regularisation contained a stipulation that the petitioners shall not be entitled for any claim arising prior to the order of their regularisation. The learned counsel for the petitioners laboured hard to show that in terms of order passed by the Supreme Court and Resolution dated 18.06.1993, the petitioners are entitled for benefit of past services; at least notional benefit. However, neither in the order of the Supreme Court nor in

Resolution dated 18.06.1993, there is any indication that the petitioners can be granted benefit of past services. It is not in dispute that employees like, the petitioners who were regularised on 16.03.2011 were irregularly appointed employees. They were absorbed in service by virtue of order passed by this Court which attained finality after batch of Special Leave Petitions were disposed of by the Supreme Court vide order dated 30.10.2000. The petitioners, now, after about 2 years have challenged the stipulation under Clause (?) contained in Memo dated 16.03.2011. I am of the opinion that the claim of the petitioners for grant of benefit of past services is not founded on a legal right. The petitioners must be held bound by the order of absorption vide Memo dated 16.03.2011. The aforesaid stipulation under Clause (?) contained in Memo dated 16.03.2011 is neither arbitrary nor illegal.

4. Viewed thus, I find no merit in the writ petition and accordingly, it is dismissed.