
(2004) 04 JH CK 0028

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2048 of 2002

Lal Babu Khan and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-04-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 161b

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Nilesh Kumar, for the Appellant; V.P. Singh, for the Respondent

Final Decision : Allowed

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The prayer of the petitioners in this writ petition is for a direction to the respondents to regularize their services as they are working as daily wages for more than 20 years.

3. For the same relief, the petitioners earlier moved before this Court by filing CWJC No. 435 of 2001, which was disposed of on 1.2.2001 (Annexure-2) in which this Court directed the petitioners to file a fresh representation before the respondent authority, particularly respondent No, 2, who will hear the petitioners and/or their representatives and dispose of the representation by speaking order. Pursuant to the said order of this Court, the Regional Director, Agriculture Marketing Board Pandara. Ranchi has passed an order on 31.8.2001, wherein he has observed that he is not a competent authority to pass any order of regularization rather for the said purpose, only the Jharkhand" State Agriculture Produce Marketing Board is powered to pass such order for regularization. Hence the order of Regional Director, Agriculture Marketing Board is under challenge in this writ petition.

4. By filing a counter affidavit on behalf of the respondents, Mr. V.P. Singh Senior

learned counsel submitted that since the Jharkhand Agriculture Produce Marketing Board has already been constituted and is functioning and therefore, in the interest of justice, the petitioners should file a representation before the Jharkhand State Agriculture Produce Marketing Board, who will decide the matter on its own merit.

5. In my opinion, the submission of the learned counsel for the respondents appears to be correct.

6. Accordingly, this writ petition is being disposed of with a direction to the petitioners to file representation(s) stating in detail about their claims for regularization along with all supporting documents, if any, before the Jharkhand State Agriculture Produce Marketing Board annexing a copy of order passed by this Court in CWJC No. 435 of 2001 and also a copy of this order within a period of three weeks from today. If such representation is filed by the one or other petitioner within the specified time, the Jharkhand State Agriculture Produce Marketing Board shall consider their claims for regularization in its rights perspective on the basis of the representation and documents filed by one or other petitioner, within the period of three months from the date of filing of such representation.

The writ petition stands disposed of.