
(2012) 04 JH CK 0133

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2234 of 2005

Madheshwar Prasad

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-04-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 04 JH CK 0133

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Advocate : Ritu Kumar and Mr. Samavesh Bhanj Deo, for the Appellant; R. Mukhopadhyay, S.C.-II, for the Respondent

Judgement

P.P. Bhatt, J.—Heard the learned counsel for the petitioner as well as the learned counsel for the State. Petitioner by way of filing the present writ petition under Article 226 of the Constitution of India has prayed for regularization of his service.

2. On perusal of the materials on record, it appears that petitioner was appointed as Daily Wager Choukidar on temporary basis against the sanctioned post on 17.5.1985 and since then continuously rendering his services under the respondents. It appears that since 2004 respondents are taking work of Clerk-cum-Typist/ Computer Operator from the petitioner. It also appears that the Executive Engineer has recommended his case for regularization vide its letter dated 26.6.2009, addressed to the Superintending Engineer, Building Construction Department, Ranchi (Annexure-19). Likewise, the Superintending Engineer also recommended his case for regularization vide its communication dated 27.7.2009, addressed to the Chief Engineer, Building Construction Department, Ranchi (Annexure-20), in turn, the Chief Engineer also recommended his case for regularization vide its communication dated 18.8.2009, addressed to Principal Secretary, Building Construction Department, Ranchi (Annexure-21) by putting emphasis that there is a need of Computer Operator in the Department and since the petitioner is acquainted with the

nature of work and is working since long, his case may be considered for regularization. Thus it appears that the petitioner is rendering his services under the respondent-Department since 1985 continuously i.e. more than 25 years by now. On perusal of the various documents and communications exchanged between the Executive Engineer, the Superintending Engineer and the Chief Engineer, it appears that there is a need of Computer Operator in the Department. The petitioner is having long experience and the work performed by him up till now, found to be satisfactory by his superior Officers working at various levels right from the Executive Engineer to the Chief Engineer.

3. Under the circumstances, this Court is of the view that the case of the petitioner requires consideration for regularization against the sanctioned and vacant post.

4. Hon''ble Apex Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, held that in such type of cases, considering the length of service rendered by such employees as one time measure, the appointment of daily wager/work charge employees is required to be regularized.

5. Accordingly, respondent-authorities are directed to consider the case of the petitioner for regularization taking into account the submissions made in the present writ petition as well as in the light of the ratio laid down by the Apex Court in Uma Devi''s case (supra), within a period of six weeks from the date of receipt/production of a copy of this order.

6. The decision that may be taken by the respondents be communicated to the petitioner. With the aforesaid observation and direction, this writ petition stands disposed of.