
(2001) 03 JH CK 0008
In the Jharkhand High Court
Case No : CWJC No. 2840 of 1999 (R)

Md. Erfan

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 27-03-2001

Acts Referred:

Citation : (2001) 90 FLR 954

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : V. Shivrath and M.M. Sharma, for the Appellant; S.K. Mishra, JC to AAG, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Heard the counsel for the parties.

2. In this writ application the petitioner claims regularisation of his services on the ground, inter alia, that he has been working on daily wages basis against sanctioned post of IV grade employee since 1982 and has been discharging this work of peon/Daftari in the office of Divisional Forest Officer, Sharanda State Trading Division, Chaibasa.

3. The facts not in dispute are that the petitioner has been working as daily wages employee since 1982. The State Govt. issued a notification to the effect that all daily wages employee working since before 1.3.1985, should be retained and their services should be regularised. Pursuant to that list of daily wages employee was sent by the respondents twice and the name of the petitioner appears in the list annexed with the writ application.

4. During the pendency of the writ application the respondents issued an office order under the signature of DFO, Saranda State Trading Division, Chaibasa transferring the petitioner from Chaibasa to Manoharpur. In the said office order dt. 8.10.1999 it was admitted that the petitioner who has been working since 1982 cannot be removed from service. Petitioner's case is that pursuant to that

order he submitted his joining on 11.10.1999 but he has been removed from service by the respondents with effect from 1.11.1999. The said office order dt. 2.11.1999 has been annexed as annexure 10.

5. From bare perusal of annexure it appears that the respondents have not disclosed the reasons of removal of the petitioner from service. Moreover, before issuing that office order the petitioner was neither called upon to show cause nor was given any opportunity of hearing. The impugned order (Annexure 10), therefore, cannot be sustained in law and the same is quashed.

6. The next question relates to regularisation of the service of the petitioner. Admittedly the petitioner has been working for the last 19 years on daily wages basis and even after issuance of notification by the Govt. his services have not been regularised. It is therefore a fit case where this court should issue necessary writ directing the respondents to regularise the service of the petitioner forthwith.

7. This writ application is allowed. Let a writ be issued commanding upon the respondents to regularise the services of the petitioner by issuing appropriate order within 15 days from the date of receipt of a copy of this order.

8. Petition allowed.