
(2001) 09 JH CK 0005
In the Jharkhand High Court
Case No : CWJC No. 1100 of 2001

Rabindra Nath Mahato and Another	Vs	APPELLANT
State of Bihar and Others		RESPONDENT

Date of Decision : 11-09-2001

Acts Referred:

Citation : (2001) 09 JH CK 0005

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

Bench : Single Bench

Advocate : P.K. Mukhopadhaya, K.C. Mahto, S. Rahman and O.P. Singh, for the Appellant; Krishna Murari, JC to A. Allam and M.K. Sinha, JC to AAG, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—By the Court--Heard learned counsel for the petitioner.

2. No counter-affidavit has been filed. Although this Court by order dated 22.3.2001 directed the State counsel to seek instruction and file counter-affidavit.

3. Petitioners have challenged the orders dated 1.3.2001 and 15.3.2001 by which the services of the petitioners have been terminated. Petitioners

were appointed as casual labourers in 1984 and worked under the respondents, in the office of the Assistant Seed Testing Officer, Ranchi. In

1993, petitioner moved this Court by filling CWJC No. 3763/ 1993(R) for a direction to regularise their services. The said writ application was

disposed of with a direction to the respondent No. 2 of that case to consider and dispose of the representation of the petitioner which was filed by

the petitioners and for passing appropriate order. The representation of the petitioners was rejected and then petitioners again moved this Court by

filing CWJC No. 2616/1994(R). The said writ application was disposed of on 7.2.95 with an observation that if in future, any vacancy occurs the

case of the petitioners shall be considered alongwith other eligible candidates. In the year 1997, respondents in the light of the aforesaid order

passed in the writ application, considered the case of the petitioners and regularised their services by appointing them in class IV vacant post.

Petitioners accordingly resumed their duties as a regular employee. However, in 2001, respondents raised a question as to how petitioners were

appointed when there was no such direction of the Court in the earlier writ petition.

4. On the aforesaid facts, it is clear that petitioners continuously worked as daily wages employees from 1984 to 1997 i.e. for about 13-14 years

and thereafter they were observed/appointed in 1997 in class IV post and worked as such for about four years. In this way petitioners altogether

continuously worked for about seventeen (17) years. From perusal of Annexure 3 it appears that while giving appointment to the petitioners against

the sanctioned class IV vacant post, it was mentioned that the services of the petitioners were regularised in 1986 itself. In such circumstances. I

am of the opinion that it would be highly improper and illegal to terminate the services of the petitioners, who have been continuously worked for

about 17- 18 years.

5. For the reasons aforesaid, this writ application is allowed and the impugned orders dated 1.3.2001 and 15.3.2001 as contained in Annexure-7

and 7/1 respectively are quashed.