

(2001) 11 JH CK 0026

In the Jharkhand High Court

Case No : Writ Petition (S) No's. 5324, 5330, 5393, 5403, 5433, 5435, 5439, 5543, 5544, 5553, 5555, 5557, 5559, 5560, 5561 and 5562 all of 2001

Ranjeet Singh 'Rahi'

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-11-2001

Acts Referred:

Citation : (2002) 93 FLR 583

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : M.M. Sharma and V. Shivnath, for the Appellant; B. Poddar, A.A.G. and N. Thakur, J.C to A.A.G., for the Respondent

Judgement

The Court

1. In all the cases, as common relief of regularisation of service has been sought for and the petitioners have relied upon on the decision of this Court in Md. Brian v. State of Bihar. CWJC No. 2840/ 99(R), disposed of on 27.3.2001. (reported in 2001 (2) JCR 112 (Jhr) they were heard together and are being disposed of by this common order.

2. All the petitioners claim to be working on daily wages since prior to 1st August, 1985 in Saranda State Trading Division, Chaibasa/Klohan State Trading Division, Chaibasa, According to them, in terms with the Government resolution No. 5940 dated 18th June, 1993. they having engaged on daily wage prior to 1st August, 1985, having worked for more than 240 days in a calendar year, are entitled for regularisation of their services/regular appointment giving weigh-tage over outsiders.

3. It is stated that one Md. Erfan. another daily wage employee engaged in the year 1982 moved before this Court in CWJC No. 2840/99(R) wherein the Court remitted the matter on 27.3.2001 for consideration of his case for regularisation

in service. In pursuance of the aforesaid order, as affirmed in LPA No. 271/2001 and also affirmed by the Supreme Court in SLP (Civil) No. 15175/ 2001. he has already been given regular appointment. The petitioners claim to be similarly situated and have also relied on some other order passed by this Court in similar cases of Basant Kumar Baghel. W.P. (S) No. 5158/2001. disposed of on 10.10.2001.

4. Having regard to the facts and circumstances, the cases are remitted with liberty to the petitioners to move before the competent authority. If it is found that the petitioners are working on daily wage since prior to 1st August, 1985 and are entitled for regular appointment in terms with the State Government Resolution No. 5940 dated 18th June, 1993 and are similarly situated like Md. Erfan, their cases be considered for regular appointment against appropriate vacant post, if any, in accordance with law, within six month from the date of receipt of representation.

5. It will be open to the respondents to follow the selection procedure by placing the matter before an appropriate selection Committee.

6. If the respondents reject the claim of one or other petitioner, will forward such ground to such petitioner within the aforesaid period of six months.

7. All the writ petitions stand disposed of. with the aforesaid observations.

8. Petitions disposed of accordingly.