

(2002) 09 JH CK 0095
In the Jharkhand High Court
Case No : CWJC No. 9198 of 1998 (P)

Samir Kumar Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 06-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 09 JH CK 0095

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

Bench : Single Bench

Advocate : R. Krishna, for the Appellant; V.P. Singh, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The Counsel of petitioner is allowed to implead Jharkhand State Agricultural Marketing Board, Ranchi through its Managing Director as one of the respondents. Mr. V.P.Singh, learned Counsel accepts notice on his behalf.

2. Heard the parties.

3. The writ petition was preferred by petitioner for regularization of his services.

4. The case of petitioner is that he was appointed on daily wages as clerk-cum-fee collector in Market Committee, Dumka and joined on 2nd February, 1976. Since then he is regularly discharging the duties attached to his post without any complaint.

5. Further case of petitioner is that since April, 1989, he is performing the duty of Marketing Supervisor on daily wage in pursuance of an order No. 545, dated 28th April, 1989 issued by the Market Committee.

6. The grievance of the petitioner is that though the Marketing Board took policy decision to regularize the services of daily wage employees, as evident from letter contained in Memo No. 373, dated 17th February, 1978, but till date the case of petitioner has not been considered for regularisation, in spite of order

passed in similar case by a Division Bench of Patna High Court dated 29th November, 1992 in CWJC No. 4697/1990. It is also alleged that others including those engaged after the petitioner have already been regularized in the services of the Market Committee.

7. The stand of the Marketing Board is that the services of a number of daily wages employees were illegally regularized against one or other posts which is being scrutinized by the respondents. Some other persons are stated to have been regularized in pursuance of direction of the Court.

8. As in the present case, it is not in dispute that the petitioner is working on daily wage since February, 1976 and the respondents cannot continue with such ad hoc arrangement for indefinite period, the respondents are directed to fill up the posts on regular basis, instead of taking work on such ad hoc arrangement.

9. The case is remitted to the Managing Director, Bihar State Agricultural Marketing Board (now Jharkhand State Agricultural Marketing Board, Jharkhand, Ranchi) who will fill up the vacant posts of Marketing Supervisors of Market Committees in accordance with the law within four months from the date of receipt/production of a copy of this order. The case of the petitioner and other similarly situated qualified daily wage employees be also considered for their appointment against such vacant posts giving weightage over outsiders and relaxing the age, if so required.

10. In case there is no vacancy to comply the Court's order within four months, the Managing Director will communicate it to the petitioner within the period aforesaid.

11. It will be also open to petitioner to bring to the notice of the Managing Director that there are vacancies including the post against which he is functioning.

12. This writ petition stands disposed of with the aforesaid observations and directions.