

(2015) 09 JH CK 0090
In the Jharkhand High Court
Case No : W.P. (S) No. 4218 of 2015

Sanjay Ram

APPELLANT

Vs

Jharkhand Gramin Bank and Others

RESPONDENT

Date of Decision : 07-09-2015

Acts Referred:

Citation : (2015) 4 JLJR 90

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Sahadeo Choudhary, for the Appellant; A. Allam and Nehala Sharmin, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. Petitioner seeks regularization in the respondent Jharkhand Gramin Bank, stating that he has been working as a Sweeper-cum-Messenger on daily wage basis for about twelve years. The documents at Annexure-2/1 dated 23.7.2013 shows that he has been engaged as Daily Wage Messenger at Nagri Branch since 2009 for a period of four years. Other documents which the petitioner relies are Annexure-3 series, Annexure-4 and Annexure-5 series. These documents are photocopies of certain cheques which he claims to have been given to him for preparation of Outward Bills for Collection (OBC) in the respondent Bank at relevant points of time.

2. Whether such conduct of the petitioner to get photocopy of such fiduciary documents like a cheque book containing the signature of customer of the Bank while he was entrusted to prepare some Outward Bills for Collection in a Register, in itself is proper in the eye of law, is another question. However, even these documents do not inspire confidence that the claim of the petitioner's engagement for a period of twelve years on daily wage in the respondent Bank are substantiated. These cheques appear to be of the years 2014 and 2007 being the oldest. This would again not justify his contention that he has been in daily wage engagement for more than ten years. Apart from that, there are no such

scheme for regularization under the respondent Bank which can entitle the petitioner for consideration for regularization under the respondents. In absence of any regularization scheme, the Writ Court is not supposed to issue direction for regularization of one or the other employee on the strength of his claim of daily wage engagement for a particular length of time, as it would be contrary to the ratio laid down by the Hon"ble Supreme Court in its Constitution Bench judgment rendered in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, .

3. Learned counsel for the petitioner, during course of argument, however has tried to support the petitioner's claim by submitting that several persons have been regularized in the respondent Bank over a period of time. However, no such documents are also not shown in support of the aforesaid contention. As an upshot of the aforesaid discussions, facts of the petitioner's case do not give a legal right to the petitioner for seeking regularization in the respondent Bank. It would however, be always open to the respondent Bank to consider and make appointment of any person on daily wage basis as and when exigency of work require and may be the petitioner also. However, no relief can be granted in the instant writ petition, which is accordingly dismissed.