
(2013) 08 JH CK 0086
In the Jharkhand High Court
Case No : L.P.A. No. 93 of 2013

Sankadeep Sahu and Others

APPELLANT

Vs

Ranchi University and Others

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Citation : (2013) 4 AJR 679

Hon'ble Judges : Dhirubhai Naranbhai Patel, Acting C.J.; S. Chandrashekhar, J

Bench : Division Bench

Advocate : A.K. Sahani, for the Appellant; Amit Kumar Sinha, for the Respondent

Judgement

Dhirubhai Naranbhai Patel, A.C.J.

1. This appeal has been preferred against the judgment and order passed by the learned single Judge in W.P. (S) No. 4915 of 2005 dated 11th February, 2013. Counsel appearing for the appellants submitted that the appellants have worked from the year 1989, approximately for two years and other employees have been regularised into the service, whereas these appellants have been discriminated. This aspect of the matter has not been properly appreciated by the learned single Judge and hence, the judgment and order passed by the learned single Judge deserves to be quashed and set aside.

2. We have heard the counsel for the respondent-Ranchi University, who has submitted that in fact, the appellants are the original petitioners and they were never the employees of the Ranchi University. In fact, they have worked intermittently for a couple of days in the year 1989 and 1990 and the writ petition was preferred in the year 2005, i.e., after approximately one-quarter of a century and there is a gross delay and no explanation is given in the writ petition. Hence, there is no legitimate right vested in these appellants (original petitioners) to get their services regularised. They were also appointed on a daily wages against the unsanctioned post, looking to the exigencies of the work, but, in fact, they were never regularly employed by the Ranchi University. Every

management is in need of such type of daily wagers looking to the nature of work, but, the daily wagers appointed for a particular work cannot give them right to be absorbed on the regular post and that too, when no such sanctioned posts are available. This aspect of the matter has been properly appreciated by the learned single Judge and hence, this Letters Patent Appeal may not be entertained by this Court.

3. Having heard the counsel for both the sides and looking to the facts and circumstances of the case and looking to the judgment delivered by the learned single Judge, we see no reason to entertain this Letters Patent Appeal mainly for the following facts and reasons: (i) It is the highest case of these appellants that they have worked for approximately 2 years in the year, 1989-1990 as argued by the counsel. Looking to these facts, it appears that these appellants, who are original petitioners have worked only to meet with some exigencies with the Ranchi University as a daily wagers. They have never worked against the sanctioned post.

(ii) Due to non-availability of the work, they were not engaged after the year, 1991 as observed by the learned single Judge in internal page No. 3 of the order. Thus, writ petition was preferred in the year, 2005 after approximately 25 years by these daily wagers for getting their services regularised. In fact these appellants (original petitioners) have no legitimate right vested in them to get their services regularised nor there is any legal obligation on the part of the respondents to regularize the services of these appellants. In absence of such statutory right, no error has been committed by the learned single Judge in dismissing the writ petition preferred by these appellants and we also see no reason to entertain this Letters Patent Appeal because of the aforesaid reasons.

Therefore, there is no substance in the Letters Patent Appeal and hence, the same is hereby dismissed.