
(2020) 05 JH CK 0083
In the Jharkhand High Court
Case No : W.P. (S) No. 3808 of 2019

Satyendra Kumar Rana

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 21-05-2020

Acts Referred:

Citation : (2020) 05 JH CK 0083

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Piyush Chitresh

Final Decision : Allowed

Judgement

Heard Mr. Saurav Arun, learned counsel for the petitioner and Mr. Piyush Chitresh, learned counsel for the respondent-State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of video-audio and with their consent this matter has been heard on merit.

This petitioner has preferred this writ petition for direction upon the respondents to consider the case of the petitioner for regularization, who is working for 25 years on the same salary as well as for direction upon the respondents to provide annual increments to the petitioner after regularization of his services and to grant arrears in respect of annual increments.

Mr. Saurav Arun, learned counsel for the petitioner submits that the petitioner was appointed as Warden on ad-hoc basis in the year 1984, which was made subject to the final approval by the Selection Committee. The Jail

Superintendent, Bhagalpur passed an order dated 16.01.1994 for regularizing the services of the Wardens, wherein, the name of the petitioner was also figured. He further submits that the Inspector General of Police constituted a

Selection Committee comprising of 3 members which examined the matter in detail and found certain irregularities in the order dated 16.01.1994 for confirming the service of 38 Wardens and the said Committee in its speaking order directed the petitioner to appear before the Selection Committee again and that direction was challenged by the petitioner in C.W.J.C. No. 998 of 1997. The said writ petition was disposed of vide order dated 27.08.1998, wherein, the Court did not interfere with the impugned order, however added one modification that if the the petitioners have to appear before the Selection Committee, the Selection Committee will consider their suitability of the post, but so far as the physical test and ability is concerned, the Committee must take into account that the petitioners are working on the post since 1984 and over the years the petitioners have gone older so the strict physical fitness which is expected to 14 years back cannot be respected from the petitioners and keeping this consideration in mind, the suitability of the petitioners for the post in question may be judged by the Selection Committee. He further submits that in pursuance to the above direction, the Selection Committee's meeting for the appointment of Warden was fixed and the petitioners were asked to appear before the said Selection Committee, which is evident from the order dated 17.12.2001, which is annexed at Annexure-3 to the writ petition. In spite of that the petitioner was not provided any annual increment in the income for the past 25 years of his service. The petitioner has also filed one representation dated 15.08.2007 before the respondent authorities for consideration of his case. Learned counsel for the petitioner further submits that the petitioner has not been given any increment in the salary and without increment in the salary, the petitioner is having difficulty to make both ends meet, but till date nothing has been communicated by the respondents with regard to the prayer made in the writ petition. He further submits that vide order dated 16.01.1994, the service of the petitioner was regularized with a further direction to provide annual increment in his income, but unfortunately the increased income benefits were withdrawn by the respondent authorities arbitrarily without giving any notice to the petitioner. He also submits that on 14.10.2008, the Superintendent of Jail, Sahebganj issued a letter in favour of one of the similarly situated person, therein, he was also not getting annual increment and request was made to consider his case as he is working since long and recommended his case to the Superintendent, Central Jail, Dumka. The said letter is annexed at Annexure-6 to this writ petition. He further submits that the petitioner has been sent for training at various places and he has excelled in all such training. By way of repeating his arguments, he further submits that for the past 25 years the petitioner has been serving on the post of Warden and obeying all rules and regulations, but despite his sincere and devoted work, he has not been given any increment. He further submits that in the State of Bihar all such similarly situated persons appointed in the year 1984 to the post of Warden along with present petitioner were directed for their regularization, they have already been regularized, but in the State of Jharkhand the respondents are sitting tight over the matter and they have regularized only with effect from 16.01.1994, which is quite evident from letter dated

05.02.2018. He further submits that one of the coordinate Bench in identical matter being W.P.(S) No. 5074 of 2009, has disposed of the writ petition commanding upon the respondents to consider the case of the petitioners for regularization as they were working for last three decades against sanctioned and vacant post and accordingly pay consequential benefits including the annual increments which is evident from the order dated 18.06.2018. The said order is annexed at Annexure-8 to the writ petition.

Mr. Saurav Arun, learned counsel for the petitioner further submits that in view of the order at Annexure-8 and the statement made in paragraph 16 of the counter affidavit, filed on behalf of the respondent-State, this writ petition can be disposed of. He further submits that in paragraph 16 of the counter affidavit, it has been stated that the petition of the petitioner has been forwarded to the Home Department vide letter no. 2137 dated 09.07.2018 and letter no. 2980 dated 27.09.2018 for convening the meeting of the Regularization Committee along with other such matter related with W.P.(S) No. 5074 of 2009 in the case of Murari Lal Shah and Others vs. State of Jharkhand and Others. The meeting was earlier fixed, but for some untowards reason the same was postponed. He further submits that in that paragraph it has been stated that it will be convened soon and the case of regularization of the service of the petitioner would be considered in the meeting.

Mr. Piyush Chitresh, learned counsel appearing for the respondent-State submits that this writ petition can be disposed of. He refers to paragraph 16 of the counter affidavit, wherein, it has been stated that the case of the petitioner will be considered by the Committee.

In view of the above facts and considering the order passed by one of the coordinate Bench of this Court vide order dated 18.06.2018 in W.P. (S) No. 5074 of 2009, the respondents are directed to consider the case of the petitioner and pass appropriate order for his regularization on the aforesaid post and for grant of consequential benefits including annual increments, as expeditiously as possible, preferably within a period of 3 months from the date of receipt/communication of this order.

With the aforesaid directions, this writ petition stands allowed and disposed of.