

(2002) 05 JH CK 0071
In the Jharkhand High Court
Case No : CWJC No. 2953 of 2000

Tapas Kumar Banerjee

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 03-05-2002

Acts Referred:

Citation : (2002) 4 LLJ 39 (2002) 50 BLJR 1492 : (2002) 95 FLR 413

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

Bench : Single Bench

Advocate : N.K. Sahini, for the Appellant; Mrinal K. Roy, J.C. to S.C. I, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The writ petition has been preferred by the petitioner for direction on the respondents to regularise his service as he is working as Pump Operator since long.

2. The case of the petitioner is that he was engaged as Pump Operator on 10th August, 1986 on hand receipt basis, wherein-after his name was entered as Muster Roll Workman on 25th July, 1987. The petitioner still claiming himself to be working under the 4th Respondent, Executive Engineer, P.H. Division, Ranchi.

3. His grievance is that though one or other direction given by respondent No. 2 on 13th November, 1992; by Respondent No. 3, vide letter dated 24th March, 1995 and information sent by S.D.O., Bundu, P.H.E.D. relating to Muster Roll/ Hand Receipt Employee, but no order of regularisation has been issued.

4. There is nothing on the record to suggest that the State Government framed any rule/guidelines for regularisation of services of daily wage employees.

5. In this background, no direction can be given for regularisation of the service of the petitioner. However, if the respondents are taking work from the petitioner on daily wage, it is desirable that instead of continuing with the ad hoc arrangement, they should fill up the post on regular basis.

6. In the circumstances, the respondents are directed to consider the case of the petitioner and other similarly situated and eligible persons for regular appointment, if they are working on Muster Roll/Hand Receipt basis, as and when appropriate post is filled up in future. The Engineer-in-Chief-cum-Special Secretary of the Department will determine as to whether any post of Pump Operator is existing and to be filled up or not within three months and if it is found vacant and decided to be filled up, will complete the procedure of selection preferably within six months thereof,

7. It may be mentioned that this Court has not decided as to whether the petitioner is fit to be appointed against any appropriate post or not.

The writ petition stands disposed of.