
(2019) 07 JH CK 0019

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6397 Of 2011

Vinay Kumar Singh And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Irregularly Appointed And Working Staffs under Government Of Jharkhand Services
Regularisation Rules, 2015 — Rule 3(Biii)

Citation : (2019) 07 JH CK 0019

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Rajesh Kumar, Apoorva Singh, Gaurav Raj, Sumit Prakash, Prabhash Kumar

Final Decision : Disposed Off

Judgement

Sanjay Kumar Dwivedi, J

1. Petitioners preferred this writ petition for granting regular pay-scale along with other benefits including increment, D.A., T.A., P.F. etc. in regular

scale. The petitioners have also prayed for a direction upon the respondents to regularise the services of the petitioners, who are casual workers

working in the respondent department.

2. It is contended by counsel for the petitioners that the petitioners are employees of Jharkhand State Pollution Control Board and they are

continuously discharging their duties without any complaint from any corner. The petitioners have moved before the Honâ??ble Patna High Court, in

C.W.J.C. No. 1486 of 1992, which was disposed of vide order dated 24.09.1992.

Mr. Rajesh Kumar, counsel for the petitioners, further submits that the petitioners of this writ petition were also parties in the aforesaid writ petition

filed before Honâ??ble Patna High Court. The aforesaid writ petition was disposed of vide order dated 24.9.1992, with a direction that since the

petitioners had acquired experience, therefore, if they are qualified to be appointed against relevant post preference would be given whenever there

occurs a vacancy in the regular post.

After reorganisation of the State of Bihar, Jharkhand State Pollution Control Board came into being on 09.9.2001 and the petitioners became the

employees of Jharkhand State Pollution Control Board with effect from 16.1.2002. The Jharkhand State Pollution Control Board, in its 7th meeting

held on 25.6.2004, decided that such employees who are working on temporary posts would continue as such and so far as the matter relating to their

salary and other benefits is concerned that same was to be placed before the Board.

In the subsequent meeting of the Board held on 02.8.2006 a proposal was made that temporary employees in view of the recommendation of three

members committee should be given basic wage and Dearness Allowance and it was decided that temporary employees would be given the same

wages as being paid to the regular employees holding the same posts and the question of Dearness Allowance would be considered on the next date.

Mr. Rajesh Kumar, appearing for the petitioners submits that decision in this regard has been taken by the authorities, but, inspite of that nothing

fruitful has come on the record.

3. Mr. Prabhash Kumar, appearing for the Jharkhand State Pollution Control Board, submits that in the 14th Board meeting dated 25.4.2008 of the

Jharkhand State Pollution Control Board, the Chairman, Jharkhand State Pollution Control Board was authorised to take necessary action in respect of

payment of basic pay and all other allowances with respect to the post of casuals employees of the Jharkhand State Pollution Control Board.

Mr. Prabhash Kumar further submits that Jharkhand State Pollution Control Board, in its 32nd Board meeting held on 16.3.2017, on Agenda No. 10

relating to 7th Pay revision decided the following:

(i) Necessary action be taken according to the consent of department of Finance, Govt. of Jharkhand

(ii) Approval of State Govt. be obtained on the proposal of regularisation of services of casual staffs.

It is further submitted that in compliance of decision of the Board meeting held on 16.03.2017, a detail of casual staffs working in the Board was sent

to the administrative department-Forest, Environment & Climate Change, Govt. of Jharkhand vide Board ref no. B-1284, dated 16.05.2017 and

reminder vide ref. no. B-1844, dated -04.09.2017. The approval was sought for as per the provision of Rule 3(B-iii) of the Irregularly Appointed

and Working Staffs under Govt. of Jharkhand Services Regularisation Rules, 2015.

4. The State has taken a stand that the proposal regarding amendment in Regularisation Rule, 2015, was placed before the meeting of Cabinet held on

03.01.2019, but the matter could not be decided on that day. The proposal has been approved by the Hon'ble Minister of Finance (Chief Minister)

and is likely to be placed before the cabinet once again for reconsideration.

The State has taken another stand that as soon as Department of Personnel, Administrative, Reforms & Rajbhasa, Govt. of Jharkhand will come with

the New Policy, the Forest, Environment & Climate Change Department will act as per the provision of the policy.

At this stage, Mr. Rajesh Kumar, counsel for the petitioners submits that Government has already taken a decision.

On perusal of the record, this Court finds that nothing is on record to suggest that the Government has taken such decision.

5. In above view of the matter, it appears that the decision with respect to regularisation of the petitioners have already been taken by the Pollution

Control Board, as prayed in the writ petition and Pollution Control Board has acted on that decision by sending the proposal to the State and the State

has taken a stand that once the policy is finalised, the matter of regularisation of the petitioners will be considered accordingly.

6. Thus, the matter is, hereby, remitted back to the respondents for a final decision after the approval of the said Rule as stated in the counter affidavit

filed by the State At this stage, Mr. Rajesh Kumar. Learned counsel for the petitioners submits that the petitioners are on the verge of retirement and

as such, it is desirable that decision in this regard is taken expeditiously.

This Court expects that the respondents shall take the decision in this regard as early as possible.

7. With the above observation and direction, this writ petition stands disposed of.