

Amit Kumar and ors. Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Feb-02-2006

Reported in : [2006(1)JCR419(Jhr)]

Judge : M.Y. Eqbal, J.

Acts : [Constitution of India](#) - Article 187

Appeal No. : W.P.S. No. 5456 of 2005

Appellant : Amit Kumar and ors.

Respondent : State of Jharkhand and ors.

Advocate for Def. : H.K. Mehta and; Delip Jerath, Advs.

Advocate for Pet/Ap. : Indrajit Sinha,; R. Roy,; Anjal Raj,;

Disposition : Appeal dismissed

Judgement :

ORDER

M.Y. Eqbal, J.

1. In this writ application the petitioners have prayed for issuance of writ in the nature of mandamus commanding upon respondents to absorb them on the post of reporters in Jharkhand Vidhan Sabha and also for a direction to the

respondents not to make any appointment pursuant to the advertisement published in the Newspaper dated 9.6.2005.

2. The facts of the case lie in a narrow compass :

In the year 2002 petitioners were appointed on the post of reporters on contractual basis after they were declared successful in the examination conducted by the respondents. Petitioners joined on different dates in the month of February 2002. Petitioners' services were time to time extended by different orders passed in between 2003 and 2005. Petitioners said to have been continued to work as reporters since the date of their joining. In the year 2004 petitioners made representation for their absorption on the post of reporters. But instead of absorbing the petitioners, posts have been advertised for regular appointment.

3. Respondents in their counter affidavit have stated that petitioners were appointed purely on contractual basis as stop gap arrangement on consolidated remuneration for a period of 3-1/2 months, for the sole purpose of functioning of the State Assembly. In the year 2005, it was finally decided to fill up the post of reporters on regular basis and for which advertisement was published on 9.6.2005. It is stated that petitioners applied against the said advertisement and three of them duly appeared in examination conducted by the Jharkhand Vidhan Sabha. Admit Cards were duly issued to all the applicants including the petitioners. Lastly, it is stated that appointment of the petitioners was purely on contractual basis and there is no provision for regularization of their services in the rules framed by the State Assembly under Article 187 of the [Constitution of India](#).

4. I have heard Mr. Indrajit Sinha, learned Counsel for the petitioners and Mr. Delip Jerath, learned counsel for the respondents.

5. It has not been disputed by the petitioners that they were appointed on contractual basis in the year 2002 for a fixed period. However, services of the petitioners were time to time extended and they have been paid salary on contractual basis. It has also not been disputed by the petitioners that pursuant to the aforesaid advertisement they applied for the said post. However, it is stated that admit cards were not issued to the petitioners.

6. The only question that falls for consideration is to whether petitioners can claim absorption merely because they have worked on the said post since 2002. As noticed above, petitioners were appointed purely on contractual basis on fixed remuneration and for a fixed period. However, the services of the petitioners were time to time extended for certain period and ultimately impugned advertisement has been issued by the respondents for regular appointment on the post of reporters.

7. Considering the facts and circumstances of the case, I have no doubt in my mind in holding that petitioners, as a matter of right, can not claim absorption of regularization in service, merely because they have worked for few years.

8. Admittedly, the initial appointment of the petitioners was for a fixed period of 3-1/2 months on contractual basis, which was time-to-time extended and because of extension, petitioners worked for about 3 years. It appears that when the posts were advertised for regular appointment, petitioners applied for the said post, having aware with the legal position that their claim could not be entertained.

9. For the aforesaid reasons, I do not find any merit in this writ application, which is, accordingly, dismissed.