

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

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Court : Jharkhand

Decided On : Mar-26-2008

Reported in : [2008(2)JCR645(Jhr)]

Judge : M.Y. Eqbal and; D.K. Sinha, JJ.

Appellant : State of Jharkhand and ors.

Respondent : Sanjay Kumar and ors.

Disposition : Appeal dismissed

Judgement :

ORDER

1. Heard the counsel for the parties In the limitation matter and also on the merit of the appeal.

2. This appeal is directed against the judgment dated 28.8.2006 passed in WPS No. 383 of 2006 which reads as under:

petitioners were engaged in the year 1984 as dally wagers. It is alleged that they are continuing since then and seek regularization. The question of regularization has been finally set at rest by the Apex Court in the case of Secretary, State of Karnataka and Ors. v. Umadevi (3) and Ors. : (2006)IILLJ722SC , wherein Apex Court, in para 53 has observed as under:

53 : one aspect needs to be clarified. There may be cases where irregular appointments {not illegal appointments) as explained in S.V. Narayannappa, R.N. Nanjundappa and B.N. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the Intervention of orders of the Courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases aboverefereed to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the Courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that requires to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub-judice, need not be reopened based on this judgment, but there should be no father bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.

Let case of the petitioners be considered in accordance with the above mentioned observations/directions within six months.

3. Although by the said judgment the respondent was directed to comply with the direction and observation made by the Supreme Court in para 53 of the judgment in Uma Devi's case but the appellant neither complied with the aforesaid judgment nor filed the appeal in time.

4. It was only after 228 days this appeal has been filed and that too after initiation of con-tempt proceeding. We are, therefore, not at all satisfied that sufficient cause has been shown for condonation of delay.)

5. Besides the above from the impugned judgment passed by the learned single Judge, quoted hereinabove, it appears that the learned single Judge has

appreciated the entire facts and law. We find no illegality or any error in the said judgment. This appeal is, therefore, dismissed.

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