

Ashwani Kumar Jha and ors. Vs. State of Bihar and ors.

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Court : Jharkhand

Decided On : Oct-13-2003

Reported in : [2004(1)JCR43(Jhr)]

Judge : M.Y. Eqbal, J.

Acts : Service Law; [Constitution of India](#) - Article 226

Appeal No. : CWJC No. 10721 of 1995(P)

Appellant : Ashwani Kumar Jha and ors.

Respondent : State of Bihar and ors.

Advocate for Def. : Ritu Kumar, GP-IV

Advocate for Pet/Ap. : Birendra Kumar Jha, Adv.

Judgement :

M.Y. Eqbal, J.

1. Head the parties.

2. Petitioners seek regularisation of their services. Petitioner No. 1 was appointed on 1.1.1985 as daily wages basis. Petitioner No. 2 was appointed on 1.2.1985 and petitioner No. 3 was appointed on 1.4.1985 on daily wages basis under the respondents. This fact has been categorically admitted in paragraph 6 of the

counter affidavit.

3. Petitioners case is that sometime in the year 1995 they were regularized in service on temporary basis on regular scale of pay vide office order dated 3.8.1995. A copy of the office order has been annexed as Annexure-2 to the writ application. However, validity of this office order has been disputed by the respondents on the ground that the Superintending Engineer is not the competent authority to regularize the services of the petitioners. Learned counsel for the petitioner submitted that since the date of appointment these petitioners have been continuously working on daily wages basis till date. In paragraph 20 of the counter affidavit, it is stated that list of the daily wages workers alongwith number of vacant posts have been sent to the department vide office letter No. 908 dated 18.10.1995 in which petitioners name have also been included for consideration. In paragraph 23 also the following facts have been stated, which reads as under :--

'That with regard to the statements made in paragraph No. 3 of the writ application under reply it is stated that the petitioners were appointed prior to 1.8.1985 on daily wages employees and he is still working on the same post. Proposal for his absorption in class II and class IV posts has been sent to the Government for the consideration.'

4. Having regard to the fact that admittedly petitioners were appointed before 1.8.1985 and they have been continuously and regularly working, respondents should consider the case of the petitioners for their absorption/regularization in service and take final decision as expeditiously as possible.

5. For the aforesaid reasons, this writ application is disposed of with a direction to the respondents to take final decision in the matter of absorption/regularization as expeditiously as possible and preferably within a period of four months from the date of receipt of copy of this order.