

(2004) 01 JH CK 0018

Jharkhand High Court

Case No: Writ Petition (S) No. 6094 of 2001

Samsuddin Ansari

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Jan. 7, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 1 JCR 650

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: A.R. Sarangi and H. Waris, for the Appellant; S.M. Akthar, S.C. II and Md. Sajid Yunus, J.C. to S.C. II, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

The prayer of the petitioner in this writ petition is for regularization the service of the petitioner since he is working

as driver on daily wage basis for more than 13 years in the office of the District Leprosy Eradication Officer, West Singhbhum, Chaibasa against a sanctioned post of driver.

2. The case of the petitioner is that vide Annexure-1 he was appointed as Jeep Driver on daily wage of Rs. 25/- by the District Leprosy Officer,

Singhbhum, Chaibasa dated 7.9.1988 and since he is continuing in service on daily wage. It is stated that inspite of several request made by the petitioner, his service could not be regularized on the ground that post of the Jeep Driver is under the Health Department and said service comes

under Class III post and therefore, at the Collectorate level it was not possible to regularize his service which can be done only at the Director level. It is also stated that though the post of driver is vacant but he has not been regularized.

3. On the other hand the stand of the State is that the petitioner was appointed for a limited period on daily wages on purely temporary basis and his service was liable to be terminated at any time without any previous notice.

4. In view of the nature of the prayer and in view of the stand taken by the respondents in the counter affidavit, this writ petition is disposed of with a direction to the respondent No. 2, Director-in-chief, Health Services, Jharkhand, Ranchi to consider the case of the petitioner for regularization, if the post of the driver is vacant, considering the fact that the petitioner is regularly working as driver since 1988 and therefore, his case requires to be considered sympathetically and appropriate decision in this regard may be taken by the respondent No. 2, Director-in-Chief, Health Services and communicated the same to the petitioner within the period of eight weeks from the date of receipt/production of a copy of this order.

5. With the aforesaid observations/directions this writ petition is disposed of.