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**(2003) 01 JH CK 0022**

**Jharkhand High Court**

**Case No:** Writ Petition (S) No. 1981 of 2002

Suklu and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

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Date of Decision: Jan. 20, 2003

Citation: (2003) 1 JCR 656

Hon'ble Judges: Tapen Sen, J

Bench: Single Bench

Advocate: V. Shivnath and S. Bose, for the Appellant; I. Sen Choudhary, for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

Tapen Sen, J.

Heard Mr. S. Bose, learned counsel for the petitioner and Mrs. I. Sen Choudhary, learned counsel for the respondents.

2. This case relates to regularization of the services of the petitioners who at paragraph 6 have stated that they have been appointed as daily wage workers prior to 1.8.1985. According to the learned counsel for the petitioner all of them are working in the Minor Irrigation department.

3. The learned counsel for the petitioner brought to the notice of this Court that the matter relating to regularization of services of daily wage employees of the Minor Irrigation department moved up to the Apex Court. The Supreme Court while disposing off SLP(C) No. 18164/1999 on 30.10.2000 made certain observations for regularization of services of those persons strictly as per scheme contained in a resolution dated 18.6.1993.

4. Learned counsel for the petitioner has further produced for perusal of this Court an order passed by a Division Bench of this Court in MJC No. 606 of 2000 and other analogous cases which reads just follows :--

"15.6.2002. In this group/batch of contempt applications what holds the field finally is the Supreme Court's judgment dated 30th October, 2000 passed in SLP (C) No. 18164 of 1999 in which their Lordship have directed that the regularization of the writ petitioners should be done in accordance with the procedure indicated in the Scheme dated 18th June, 1993 and it would apply to the persons who satisfy all the conditions mentioned in the said scheme. Mr. Sudhir Tripathy, Secretary, Department of Water Resources, alongwith his counsel Mr. Rajiv Ranjan Mishra, GP 2 submits that based on the aforesaid judgment of the Supreme Court, the respondents have constituted a committee vide Government order dated 27.12.2001 (copy enclosed as Annexure "A") to the affidavit of Executive Engineer Minor Irrigation Division, Chaibasa filed on 13th June, 2002. Mr. Tripathy and Mr. Mishra both stated before us that this committee shall complete the task of total identification of all the daily wagers covered by the aforesaid Supreme Court judgment within a period of six months from today and depending upon the availability of vacancies, at present, within the same period, pass orders for regularization of all such persons including the writ petitioners who are covered by the scheme and satisfy the conditions mentioned therein. If there are still some persons left over because of the non-availability of vacancies, gradually their cases would also be considered by the State Government and that in the meanwhile none of the petitioners will be thrown out of their service. We wish to place it on record that also as per the affidavit filed, 1460 persons have already been identified. Based on the aforesaid statement of Mr. Tripathy and Mr. Mishra, we find no reason to continue with these contempt applications and dispose them of accordingly."

5. From a perusal of the aforementioned order, it appears that the Secretary, Department of Water Resources, Government of Jharkhand had submitted that the respondents have already constituted a committee and the committee was to complete that task of total identification of all the daily wagers covered by the Supreme Court's Judgment within a period of six months and depending upon the availability of vacancies, within the same period, shall pass orders for regularization of all such persons including those writ petitioners who are involved in those cases and who are covered by the scheme and who also satisfy the conditions mentioned therein. It was further ordered that if there are still some persons left over because of the nonavailability of vacancies, then their cases would be gradually considered by the State and in the meanwhile none of the petitioners will be thrown out of service.

6. According to the petitioners they are still working and they were all appointed prior to 1.8.1985.

7. In the facts and circumstances, therefore, this writ petition is disposed off and if these writ petitioners, are, in fact, still working on daily wage since prior to 1.8.1985 and if they fulfill all other conditions as per the scheme referred to above then they are given liberty to approach the committee mentioned in the order of the Division

Bench of this Court. They may do so by filing individual representations and the committee thereafter upon receipt thereof will do the needful strictly in accordance with law and in accordance with the directions of the Apex Court.