

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1574 of 2018

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1. **i)** Namita Singh, aged about 54 years, wife of Late Manoj Kumar Singh, resident of village Chandrapura Rangamati South, Qr. No. G.Y.P. 57 Jharnadih, D.V.C Colony, P.O. Bokaro, P.S. Bokaro, District-Bokaro (Jharkhand).
- ii)** Amit Kumar Singh, aged about 38 years, son of Late Manoj Kumar Singh, resident of village Chandrapura Rangamati South, Q No. G.Y.P. 57, Jharnadih, D.V.C Colony, P.O. Bokaro, P.S. Bokaro, District-Bokaro (Jharkhand).
- iii)** Sumit Kumar Singh, aged about 31 years, son of Late Manoj Kumar Singh, resident of village Chandrapura Rangamati South, Q No. G.Y.P. 57, Jharnadih, D.V.C Colony, P.O. Bokaro, P.S. Bokaro, District-Bokaro (Jharkhand).
- iv)** Dipika Singh, aged about 30 years, daughter of Late Manoj Kumar Singh, resident of 90C Block, Bhuli Nagar, near Power House Dharjori Shramik Nagar, P.O. Dhanbad, P.S. Dhanbad, District-Dhanbad (Jharkhand)
2. Md. Shane, aged 55 years, son of late Md. Asgar Ali, resident of Or. No.Gyp-156, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
3. Ajay Kumar Paswan, aged 47 years, son of late Dwarika Paswan, resident of Qr. No. WCB-4/8, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
4. Rajendra Kumar, aged 45 years, son of Awadh Sharma, resident of Qr. No. WCB-6/1, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
5. Md. Akhtar Hussain, aged 55 years, son of Md. Isail, resident of Qr. No. WCB-6/7, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
6. Ravi Bushan Singh, aged 44 years, son of late Jaleshwar Singh, resident of Qr. No.Pipe Set Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
7. Sunil Das, aged 49 years, son of Late Chhotu Das, resident of Qr. No. WCB-32/10, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
8. Debabrata Kundu, aged 51 years, son of Tara Pada Kundu, resident of Qr. No. Gyp-113, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.
9. Benjamin Kumar Rishi, aged 59 years, son of Late Liyaz rishi, resident of Qr. No.7/1, Dirgapur Dormetry, Pachim Palli, D.V.C. Colony, P.O. & P.S. Chandrapura, District Bokaro.

1. Damodar Valley corporation, DVC Tower, 5th Floor, P.O. & P.S. VIP Road, District Kolkata-700054, West Bengal.
2. Chairman, Damodar Valley corporation, DVC Tower, 5th Floor, P.O. & P.S. VIP Road, District Kolkata-700054, West Bengal.
3. Damodar Valley Corporation, having its local office Chandrapura Thermal Power Station, P.O. & P.S. Chandrapura, District Bokaro.
4. Senior Chief Engineer (System), Damodar Valley Corporation, P.O. & P.S. Maithan, District Dhanbad.
5. Chief Engineer-cum-Project Head, D.V.C., Chandrapura Thermal Power Station, P.O. & P.S. Chandrapura, District Bokaro.
6. Deputy General manager (HR), D.V.C., Chandrapura Thermal Power Station, P.O. & P.S. Chandrapura, District Bokaro.

.....Respondents

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Indrajit Sinha, Advocate
Mr. Arpan Mishra, Advocate
For the Resp.-DVC : Mr. Soumitra Baroi, Advocate

22/17.04.2026

Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioners for the following reliefs:

(i) For a direction upon the respondents to allow the petitioners to continue in service and refrain from refusing further engagement by way of retaliation, as the petitioners had moved this Hon'ble Court in W.P.(S) No.5162 of 2017 and order was passed on 28.11.2017 for regularization of the petitioners as driver, considering the petitioner's continuous working since 1986 and the settled law regarding regularization passed by the Hon'ble Apex Court in the case of State of Karnataka & Ors. Vs. Uma Devi & Ors. and further order was passed, directing the respondents to pass a reasoned order within a period of six weeks;

(ii) For a direction upon respondents to regularize the services of the petitioners in the establishment as per the order dated 28.11.2017 passed by Hon'ble Mr. Justice Dr. S. N. Pathak in W.P.(S) No.5162 of 2017;

(iii) For quashing the order dated 2.4.2018 passed by Mr. Prabhat Kiran, TCE and I/c (HR), communicated vide memo no.536 dated 3.4.2018, as contained in Annexure-A to the counter affidavit, as the same is in defiance of the order passed by this Hon'ble Court;
 (iv) For directing the respondents to regularize the services of the petitioners with effect from the due date and to grant them all consequential benefits; and reinstate the petitioners in service forthwith on their respective posts.

3. Learned counsel for the petitioners draws attention of this Court towards the impugned reasoned order and submits that the ground for discontinuance of the petitioners as drivers has been shown to be acute shortage of fund and man megawatt ratio is much high in comprasion to other sectors.

In this regard, learned counsel referred to the judgment passed by Hon'ble Apex Court in the case of ***Dharam Singh and others vs. State of U.P. and another***¹, wherein at paragraph-8 the ground of financial constraint has been deprecated by Hon'ble Apex Court.

He further referred to the judgment passed in the case of ***Bhola Nath vs. State of Jharkhand and others***², wherein at paras 13 and 14 the Hon'ble Apex Court has dealt in detail about contractual employment vis-à-vis regularization. Accordingly, learned counsel submits that the impugned order is against the ratio decided by Hon'ble Apex Court in the above referred case.

¹ 2025 SCC Online SC 1735

² 2026 SCC Online SC 129

4. Learned counsel for the Respondent-DVC has tried to justify by referring to the impugned reasoned order; especially the last part of page-3 and submits that the law of the land leaves no room for any doubt that the petitioners, can't be said to be casual drivers as they are not working on the pay roll of the corporation; accordingly, the judgments cited by the petitioners will not have any bearing.

In support of his contention, he relied upon a judgment passed in the case of **Chief Executive Officer, Zila Parishad Thane and others Vs. Santosh Tukaram Tiware and others**³, para-16.

5. After going through the impugned order, it appears that corporation has taken a stand in rejecting the claim of these petitioners that it is facing acute shortage of fund and man megawatt ratio is much high in comparison to other power sector. In this regard, in the case of **Dharam Singh (Supra)**, it has been held by Hon'ble Apex Court at para 8 as under:

"8. The State's refusal of 11.11.1999 cites "financial constraints" and the subsequent decision of 25.11.2003 (taken after the High Court's direction to reconsider) adverts to financial crisis and a ban on creation of posts. Neither decision engages with relevant considerations placed on record, namely, the Commission's 1991 resolution and repeated proposals, the acknowledged administrative exigencies of a recruiting body handling large cycles, the continuous deployment of these very hands for years, and the existence of attendant work that is primarily perennial rather than sporadic. While creation of posts is primarily an executive function, the refusal to sanction posts cannot be immune from judicial scrutiny for arbitrariness. We believe that a non-speaking rejection on a generic plea of "financial constraints", ignoring functional necessity and the employer's own longstanding reliance on daily

³ (2023) 1 SCC 456

wagers to discharge regular duties, does not meet the standard of reasonableness expected of a model public institution.”

Further, in the case of ***Bhola Nath (Supra)***, the Hon’ble Apex Court has also dealt the issue of legitimate expectation of the employee and limits of perpetual engagements and finally in para 14 has held as under :

“FINAL CONSLUSION:

14. *In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:*

I. *The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.*

II. *Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.*

III. *Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.*

IV. *The State, as a model employer, cannot rely on contractual labels or mechanical application of Umadevi (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner Inconsistent with fairness, dignity and constitutional governance.*

V. *In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment.”*

6. Accordingly, looking to the overall facts and circumstances of the case, the impugned order dated 02.04.2018, is hereby, quashed and set aside and the matter is remitted to the concerned respondent to pass a fresh order with regard to the petitioners after taking into consideration the latest rulings of the Hon’ble Apex Court which has been referred to hereinabove and communicate the decision to the respective petitioners.

The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ application stands allowed. Pending I.A(s), if any, stands also closed.

(Deepak Roshan, J.)

17th April, 2026
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