

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No.428 of 2023

Rambali Das & Another	...	...	Petitioners
Versus			
The State of Jharkhand & Others...	...	...	Opp. Parties

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners	: Mr. Amit Kumar Tiwari, Advocate
	: Ms. Nishi Rani, Advocate
For the Opp. Parties	: Mr. Manish Mishra, G.P.-V
	: Ms. Varsha Ramsisaria, AC to GP-V

Order No. 28 /Dated 8th May, 2026

1. The present contempt case has been filed for alleged willful and deliberate non-compliance of order passed by the learned writ court dated 20.01.2017 in W.P.(S) No.2551 of 2015.

2. The fact of the case as has been narrated by the learned counsel appearing for the petitioners that the order passed by the writ court was challenged by the State by preferring Letters Patent Appeal being L.P.A. No.346 of 2017 but the same has been dismissed.

3. Learned counsel appearing for the concerned opposite party has submitted that in terms of the order passed by the writ court, the order has been complied with since the order of regularization has been passed on 30th April, 2026.

4. Learned counsel appearing for the petitioners has questioned the said decision by agitating the ground that merely by passing an order cannot be said to be compliance

of the Court's order, rather, the order was directed to be passed for regularization in terms of the judgment passed by Hon'ble Apex Court in ***Secretary, State of Karnataka v. Uma Devi (3)*** reported in ***(2006) 4 SCC 1***.

5. Herein, by virtue of the reasoned order, the decision of regularization has although been passed but it is from the date of passing of the order by learned writ court, i.e., 20.01.2017.

6. It has been contended that both the petitioners have now separated from service on attaining the age of superannuation but by virtue of the aforesaid order dated 30.04.2026, said to be in terms of the order passed by this Court, they have even not been made entitled for getting the benefit of pension even though they have rendered more than 33 years of service on the day when the Court has passed the order and 38 years of service on the day of attaining the age of superannuation.

7. This Court, having gone through the order passed by the learned writ court, having been upheld by the Division Bench of this Court in L.P.A. No.346 of 2017 vide order dated 12.01.2023, has found that the issue of regularization has been directed to be considered by the State authority in terms of paragraph 53 of the judgment passed in ***Secretary, State of Karnataka v. Uma Devi (3)*** (***Supra***).

8. The State although has considered the same but limited its extent by limiting the period of regularization from the date of passing of the order by learned writ court, i.e., 20.01.2017.

9. This Court once has passed the order of regularization in terms of the observation made in paragraph 53 of the judgment passed in ***Secretary, State of Karnataka v. Uma Devi (3) (Supra)***, then it was the bounden duty of the State to regularize the services without bifurcating it in two parts.

10. This Court, in view of the aforesaid, is of the view that the order which is being said to be complied with, has not been complied with in its letter and spirit.

11. In view thereof, let notice be issued to O.P. No.4 under Rule 393 of High Court of Jharkhand Rules to explain as to why, the proceeding for contempt be not initiated against him.

12. Post this matter on 17.06.2026.

(Sujit Narayan Prasad, J.)

Date : 8th May, 2026

Birendra/