

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 7017 of 2023

Mohan Oraon, son of late Sriram Oraon @ Saklu Oraon, Daily Rated Driver, Ranchi Regional Development Authority, Pragati Sadan, Kutchery Road, Ranchi- 834001, permanent resident of village Sembo Gagi Toli, P.O Sithio, P.S. Nagri, District Ranchi 834004 (Jharkhand) at present residing at Mousi Bari, Jagarnathpur, P.O and P.S. Dhurwa, District- Ranchi- 834004 (Jharkhand). .. Petitioner(s)

Versus

1. The State of Jharkhand through the Principal Secretary, Govt. of Jharkhand, Personnel, Administrative Reforms and Rajbhasa Department, at Project Building, Dhurwa, Ranchi.
2. The Principal Secretary, Govt. of Jharkhand, Urban Development and Housing Department, at Project Building, Dhurwa, Ranchi.
3. Ranchi Regional Development Authority, Pragati Sadan, Kutchery Road, P.O Ranchi GPO, P.S. Kotwali, Ranchi, through its Vice Chairman.
4. The Vice Chairman, Ranchi Regional Development Authority, Pragati Sadan, Kutchery Road, P.O Ranchi GPO, P.S. Kotwali, Ranchi.
5. The Secretary, Ranchi Regional Development Authority, Pragati Sadan, Kutchery Road, P.O Ranchi GPO, P.S. Kotwali, Ranchi.
6. The Estate Officer, Ranchi Regional Development Authority, Pragati Sadan, Kutchery Road, P.O Ranchi GPO, P.S. Kotwali, Ranchi.

...Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the petitioner(s):	Mr. Arvind Kr. Singh, Advocate.
For the State	Mr. Arun Kr. Dubey, AC to GP-III
For RRDA	M/s Prashat Kr. Singh, Karbir and Neha Pandey, Advocates.

11/20.01.2026: Heard the parties.

2. In this writ petition, the petitioner has prayed for regularization. He is driver appointed by the Ranchi Regional Development Authority (RRDA).

3. Admittedly, the petitioner is working since 1.2.1992 as a peon and from 20th January 1995 as driver. The appointment letter of the petitioner bearing Order No. 12/1995 dated 20.1.1995 suggests that earlier the petitioner was working as a peon and one Balku Oraon was a driver. Balku Oraon met with an accident and was badly injured, as a result of which, he was placed to work as peon and this petitioner was appointed as driver. Further, the aforesaid letter clearly suggest that this petitioner was appointed against a vacant and sanctioned post in his category. The letter also suggest that the petitioner was appointed in the pay scale of Rs.915-20-1150-25-1500/- . Though for the limited period of time, the scale was granted but thereafter mode of payment of the petitioner was on daily wages. Now the petitioner prays for regularization.

4. The fact that the petitioner was working since 1.2.1992 and is still working is not disputed. It is also not disputed that the petitioner is working

against the sanctioned and vacant post. The only ground, which has been taken by the respondents is that the petitioner is not matriculate and for employment in the State of Jharkhand, even in Class-IV post, matriculation is mandatory.

5. During course of argument, it has been brought to the notice of this Court that when the petitioner was appointed in the year 1992, the minimum qualification of matriculation was not there. Since at the time of appointment, there was no requirement that a person, who is being appointed against Class-IV must be matriculate, the respondents now cannot take the plea of non-matriculation while regularizing the petitioner. It is also admitted that the petitioner is regularly driving the vehicles of the respondents and there is nothing on record to suggest that there is any complaint against the petitioner or the petitioner is not performing his duty to the satisfactions of the respondents.

6. The fact remains that for nearly about 34 years, the petitioner is working and driving the vehicle of the respondents but has not been regularized and is being paid wages on daily wages. Taking work from this petitioner for long 34 years suggests that the nature of work is perennial. The appointment of the petitioner cannot be said to be illegal as he has been appointed against the sanctioned and vacant post.

7. The Hon'ble Supreme Court in the case of **Jaggo Vs. Union of India & Ors.** reported in **2024 SCC OnLine SC 3826** in paragraph 27 has held as under:

“27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

Further the Hon'ble Supreme Court in the case of **State of Gujarat and Ors. Vs. Talsibhai Dhanjibhai Patel** reported in 2022 SCC OnLine SC 2004 in paragraph- 1 has held as under:

“1. It is unfortunate that the State continued to take the services of the respondent as an ad hoc for 30 years and thereafter now to contend that as the services rendered by the respondent are ad hoc, he is not entitled to pension/pensionary benefit. The State cannot be permitted to take the benefit of its own wrong. To take the services

continuously for 30 years and thereafter to contend that an employee who has rendered 30 years continues service shall (sic) be eligible for pension is nothing but unreasonable. As a welfare State, the State as such ought not to have taken such a stand.”

8. Considering what has been held above, I am inclined to allow this writ petition. Accordingly, the impugned order, which refuses to regularize the service of the petitioner, is hereby **quashed** and **set aside**.

9. Since the petitioner has worked for nearly about 34 years and has also been working without any complaint and that too against sanctioned and vacant post, I direct respondent Nos. 3 and 4 to regularize the services of the petitioner against the sanctioned and vacant post within a period of four weeks from the date of receipt of a copy of this order. Necessary approval, if any, must be granted by the respondents.

10. Accordingly, this writ petition is **allowed**.