

(2007) 12 JH CK 0006
In the Jharkhand High Court

Ajay Thakur

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-12-2007

Acts Referred:

Citation : (2008) 116 FLR 527 : (2008) 2 JCR 385

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard the learned Counsel for the parties. The prayer of the petitioner in this writ application is for issuance of direction to the respondents to pay his arrears of wages, which, according to him, is due from June. 1992 to 5.1.2003 along with interest etc. and to quash the order dated 12.10.2006 (Annexure-2) by which the claim of the petitioner for payment of arrears of wages from June 1992 to 15.1.2003 along with interest has been rejected by the Divisional Forest Officer, Seraikella hold the claim to be false and fabricated.

2. The petitioner had moved this Court earlier in W.P.S. No. 4338/2006 for the aforesaid relief, which was disposed of by order dated 1.9.2006 by the learned Single Judge by remitting the matter back to the concerned authority to consider the claim of the petitioner and pass a final speaking order in accordance with law within a period of six weeks. When the order as directed by this Court was not passe, the petitioner filed contempt application being Cont. (C) Case No. 638/2006. During the pendency of the contempt application the impugned order dated 12.10.2006 as contained in Annexure-2 to this writ application, was passed.

3. The aforesaid order dated 12.10.2006 passed by the Divisional Forest Officer. Seraikella is under challenge in this writ application.

4. According to the case of the petitioner he worked as casual labourer on daily

wage basis from 1984. Up to May 1992 he was already paid his wages. According to the petitioner, the wages from June 1992 to 15.1.2003 has not been paid to him. In order to substantiate his claim, the petitioner has annexed a certificate, which is said to have been issued by Mr. G.P. Singh the Forest Range Officer, Seraikella. The said certificate has been annexed as Annexure-3 to the writ application. From perusal of Annexure-3, Le. the certificate, it appears that it has been certified therein that the petitioner has been paid his wages up to 31st May 1992 and, thereafter, no order relieving him from the work has been passed from the Divisional Office and. accordingly, he is continuing to work.

5. On the other hand, in the counter -affidavit filed on behalf of the respondents, it has been stated that the claim of the petitioner that he was continuing to work on daily wages from June 1992 to 15.1.2003 in Chaibasa North Division (presently Seraikella Division) is false and fabricated. In Para 7 of the counter-affidavit it has been stated that not only Mr. G.P. Singh, the then Forest Range Officer has denied that he had ever issued such certificate as claimed by the petitioner but there are many request letters of the petitioner himself, such as letters dated 6.11.2000, 4.1.2001, 27.6.2001 submitted for his regularization wherein the petitioner has himself claimed that he continuously worked on daily wage basis up to 1992. The aforesaid letters, written by the petitioner, has been annexed as Annexure-C series to the counter-affidavit.

6. In this regard, it is relevant to notice that in the impugned order also, the Divisional Forest Officer has mentioned that when Mr. G.P. Singh was referred with the said certificate purported to have been issued by him, he stated that he never issued such certificate and the signature was either forged or pasted by photocopying it. He also stated that he never engaged Mr. Thakur (the petitioner) on daily wages. He also stated that had he issued such certificate, it would have had his official letter number and date, whereas the said certificate does not carry any letter number or date of his office.

7. From consideration of the facts stated above, it appears that the claim of the petitioner is wholly based on disputed question of fact. On one hand the whole claim of the petitioner is based on the certificate, issued by Mr. G.P. Singh whereas on the other hand from the record it appears that Mr. G.P. Singh has denied the issuance of any such certificate. Therefore, in this situation, it is not possible to decide the disputed question of fact in this writ petition. Accordingly, this writ petition is dismissed.

8. However, it is observed that the petitioner, if so advised, may approach the Principal Chief Conservator of Forest, Jharkhand, Ranchi (Respondent No. 3) for redressal of his grievance/claim, who, on receipt of any such representation made by the petitioner, may decide the claim of the petitioner in accordance with law on the basis of the records.