
(2022) 04 JH CK 0018
In the Jharkhand High Court
Case No : Writ Petition (S) No. 6279 Of 2017

Akshay Kumar Mahto

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 18-04-2022

Acts Referred:

Citation : (2022) 04 JH CK 0018

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Prem Pujari Roy, Gaurang Jajodia

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Heard Mr. Prem Pujari Roy, learned counsel appearing on behalf of the petitioner.
2. Heard Mr. Gaurang Jajodia, learned counsel appearing on behalf of the respondent-State.
3. Nobody appears on behalf of the respondent no.3.
4. This writ petition has been filed for the following reliefs:
 - (i) "For a direction upon the respondents, particularly respondent no.1 & 2 to forthwith grant approval of the pay scale of the petitioner in the revised pay scale pursuant to 5th Pay Revision Committee Report with effect from 01.01.1996 because the service of the petitioner has been absorbed by the Ranchi University, pursuant to the direction passed by the Hon'ble Supreme Court and also because the Ranchi University has already made recommendation for grant of approval of the revised 5th Pay Scale of the petitioner.
 - (ii) For a direction upon the respondents to consequently approve and pay the salary to the petitioner in 6th Revised Pay Scale with effect from the date

persons similarly situated to that the petitioner has been given benefit of 6th revised pay scale.

(iii) For a direction upon the respondent- State as well as Ranchi University, to pay entire arrears of salary of the petitioner pursuant to approval of revision of pay scale pursuant to 5th Pay revision with effect from 01.01.1996 & further to pay entire arrears of salary pursuant to approval in 6th Revised pay scale w.e.f. 01.01.2006 respectively, till date.”

5. Learned counsel for the petitioner submits that vide order dated 20.06.2009 as contained in Annexure – 4, the order of absorption was passed in favour of 16 persons including the present petitioner whose name appears at Sl. No.10 in annexure-4. He submits that person namely S.N. Singh and G.N. Gupta, whose name appear at Sl. nos.2 and 3 respectively had approached this Court for similar relief in W.P.S. No.5197 of 2017 and the said writ petition was disposed of vide judgment dated 31.01.2018. The learned counsel submits that the case of the petitioner is similarly situated.

6. The learned counsel for the respondent-State, on the other hand, has submitted that no order either allowing or refusing the claim of the petitioner as such has been passed, but as per the counter-affidavit, the petitioner is not entitled to the relief as prayed for. However, he submits that the grievance of the petitioner can be looked into by respondent no.2, who may be directed to take into consideration the aforesaid judgment passed in W.P.(S) No.5197 of 2017 and other Circulars, Orders or binding precedents etc. and pass an appropriate order considering the grievance of the petitioner in accordance with law.

7. After hearing the learned counsel for the parties and considering the aforesaid facts and circumstances of this case, the writ petition is disposed of with a liberty to the petitioner to file a fresh representation before respondent no.2 along with the copy of the records of this case as well as a copy of order passed in W.P.(S). No.5197 of 2017 or any other judgment / order/circular etc which the petitioner seeks to rely, within a period of three weeks from today. Upon filing of such representation, the respondent no.2 is directed to give an opportunity of hearing to the petitioner and pass a reasoned order considering the grievance of the petitioner in accordance with law taking into consideration the various provisions of law, circulars, binding precedents etc. The reasoned order be communicated to the petitioner through speed post within a period of two months from the date of receipt of a copy of the representation. If the petitioner is found entitled for any relief, steps be taken by respondent no.2 so that the monetary benefit is also remitted to the petitioner at the earliest.

8. It is made clear that this Court has not entered into the entitlement or otherwise of the claim of the petitioner and it is for the respondent no.2 to take a decision as per law.

9. Pending interlocutory application, if any, is closed.