

**(2010) 01 JH CK 0146**  
**In the Jharkhand High Court**

Amawash Ram

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 29-01-2010

**Acts Referred:**

**Citation :** (2010) 01 JH CK 0146

**Hon'ble Judges :** Sushil Harkauli, J

**Bench :** Single Bench

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**Judgement**

Sushil Harkauli, J.—The case is called out in the revised list.

2. Learned Counsel for the respondents has failed to appear on both calls.

3. I have heard learned Counsel for the petitioner.

4. The petitioner is claiming the central pay-scale according to the 5th Pay Commission and also certain arrears of salary.

5. The relevant averments in para-16 and 17 of the counter affidavit of respondents No. 2 & 4 are quoted below:

16. That with regard to prayer made in para 1 of the writ petition, it is stated and submitted that the petitioner who was transferred from East Singhbhum to Gumlacum- Lohardagga-cum-Simdega Mobile force vide Memo No. 188 dt 1.9.01 and in pursuant of that order the transferred excise constable Sri Amawash Ram has been relieved from East Singhbhum district on 16.11.01 by Circle Sub-Inspector Excise Sadar B Circle under whom he was posted and working. As regard to the determination of the Central pay scale to the petitioner it will not be out of place to mention here that, since the service book of the petitioner was not verified up to date by the concerned district where he was posted prior to East Singhbhum district. Hence the decision about the determination of central pay scale as per the recommendation of fifth pay revision Committee accorded by Government could not be taken. However as per the direction given by the Excise Commissioner, Jharkhand vide memo No. 1791 dated 7.12.2004 in which

the respondent No. 4 has been directed to file counter affidavit separately after verification from all the district where the petitioner was posted prior to East Singhbhum district. Accordingly the service book of the petitioner was sent to the all concerned districts of where the verification of service done by the petitioner and the verification of salary and other benefits paid to him were lacking by sending the service book through special messenger.

17. That it is further submitted that since the service book of the petitioner had been verified from those districts where he was posted prior to East Singhbhum in which service done by the petitioner in different district except the verification regarding the training taken in the Constable Training School, Bhagalpur, Bihar has already been obtained hence the decision about the determination of central pay as well as 1st and 2nd time bound promotion will be taken by the department level by the competent authority i.e. Excise Commissioner, Jharkhand. It is also submitted here that if on the basis of verification of the service book the petitioner will be found eligible to be accorded, the 1st and 2nd time bound promotion the same will be considered by the department including determination of central pay and fixation of pay on the basis of determination of central pay.

6. In view of the averment in para-17 of the counter affidavit of respondents No. 2 & 4, no direction need to be issued with regard to the arrears. However, in view of the averment in para-16 of the said counter affidavit, a direction is issued to the respondent No. 3 to ensure verification of the service book of the petitioner, if the same has already not been verified, and accordingly to consider the benefit of the central pay-scale as well as the 1st and 2nd time bound promotion within three months of the date on which a certified copy of this order is presented before respondent No. 3.

7. This writ petition is disposed of with the aforesaid direction.