
(2011) 06 JH CK 0038

In the Jharkhand High Court

Case No : Writ Petition (S) No. 451 of 2011

Amiri Lal Ram and Others

APPELLANT

Vs

The State of Jharkhand and Another

RESPONDENT

Date of Decision : 06-06-2011

Acts Referred:

Citation : (2011) 06 JH CK 0038

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—The petitioners were engaged as Jeep Drivers on work charge basis in Subarnrekha Multipurpose Project on different dates in the year 1985 and onwards. Subsequently, their services were terminated. The petitioners and others had challenged the termination order through their association in this Court in CWJC No. 3194 of 1999 (R). The order of termination was quashed and the said writ application was allowed. The drivers, who were terminated, were reinstated by the order of the department dated 8th January, 2004 (Annexure3). In spite of their reinstatement, the petitioners were not paid their salary for the period from the date of their termination till reinstatement. The salary of other similarly situated persons was also denied. Out of them 23 persons had approached this Court in W.P. (S) No. 6484 of 2006. This Court, while disposing of the writ petition, had directed the respondents to consider the petitioners' claim and pass appropriate reasoned order. In compliance of the said order of this Court, the concerned authority considered the claim of the petitioners of the said writ petition and paid the salary of the said period.

2. The grievance of the petitioners is that though they are similarly situated and they were also reinstated by the order of this Court vide Annexures2 and 3, yet the salary for the said period has not been paid to them. The petitioners approached the authorities and made repeated requests. They also filed their representation, but till date no order has been passed.

3. A counter affidavit has been filed on behalf of the State respondents, stating,

inter alia, that the petitioners have been reinstated and since thereafter they have been paid their salary. However, the respondents have not replied to the petitioners' grievance of discrimination in payment of arrears of salary of the aforesaid period which has been paid to the other similarly situated persons, who were petitioners in W.P. (S) No. 6484 of 2006. The statement of the petitioners to that regard is uncontroverted.

4. In view of the above, this writ petition is disposed of, directing the Secretary, Water Resources Department, Government of Jharkhand Respondent No.2 to consider the petitioners' claim of their arrears of salary for the period from the date of their termination till the date of their reinstatement and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order. The said respondent shall also take into consideration of the order passed by the department in the matter of similarly situated persons, who were petitioners in W.P. (S) No. 6484 of 2006 and W.P. (S) No. 3175 of 2008.