
(2005) 11 PAT CK 0003
In the Patna High Court
Case No : CWJC No. 11575 of 2004

Amiruddin Ansari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 11-11-2005

Acts Referred:

Citation : (2006) 1 PLJR 63

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Nadim Seraj and Jainul Abedin, Naresh Dixit and Lalan Kumar, Ravi Ranjan, Shailesh Kumar, for the Appellant; P.K Singh, for the Respondent

Judgement

Radha Mohan Prasad, J.—In all these four writ petitions, the grievance of the respective petitioners, who are working as Junior Engineer in the Public Health Engineering Department of the erstwhile State of Bihar, is against the, allocation of their services to the newly created State of Jharkhand by the Advisory Committee under the Bihar Re-organisation Act, 2000. A supplementary affidavit has been filed on behalf of the petitioners to which the decision of the Government of India in the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training dated 15th September, 2004 has been brought on record as Annexure 11 to C.W.J.C. No. 11575 of 2004. In-paragraph 2 of the said letter, which is addressed to the Chief Secretary, Government of Bihar, a provision for mutual transfer has been mentioned and it has been left open to the successor State Governments to consider the requests of mutual transfer based on broad consensus arrived between the State Governments, inter alia, either defining the terms and conditions for such consideration or by framing suitable rules for this purpose. Pursuant to the said decision of the Government of India, the State of Bihar, vide Annexure 13 to C.W.J.C. No. 11575 of 2004, has laid down the guidelines for mutual transfer.

2. The petitioners have filed representations for their mutual transfer, which are still pending. The said fact has not been denied by the respective States in the

counter affidavits. In fact, learned counsel for the State of Jharkhand has submitted that the representations are still pending consideration and certain queries have been made from the respective petitioners.

3. In the facts and circumstances, Dr. Ravi Ranjan, learned counsel appearing for the Advisory Committee has submitted that the allocation was made long back on 14.9.2004 and the petitioners were to join the respective Departments of the respective States within certain time, failing which they are deemed to be relieved.

4. According to the learned counsel for the petitioners, in the case of Amiruddin Ansari and Md. Minsar Hussain, the State of Bihar has issued certain orders to allow them to continue till the ensuing election is over. He has informed that this Court has passed an interim order that the impugned decision shall be subject to the result of the writ application.

5. Considering the decision of the Government of India as well as the policy decision of the State of Bihar, contained in Annexures 11 and 13 respectively, this Court, in the facts and circumstances aforementioned, considers it expedient to dispose of first three writ petitions except C.W.J.C. No. 12894 of 2004, with a direction to the respective Governments to consider the representation filed by the petitioners and dispose it of with utmost expedition and till the disposal of the representations, status quo, as obtaining today with respect to the petitioners, shall be maintained.

6. The first three writ petitions are, accordingly, disposed of.

7. As regards C.W.J.C. No. 12894 of 2004, which has been notified for listing today, learned counsel for the petitioner, in view of the decision of the Government of India and the policy decision of the State of Bihar, referred to above, seeks permission to withdraw the said writ petition with a liberty to the petitioner to approach the appropriate authority by filing representation for mutual transfer in terms of the said decision.

8. Learned counsel for the respondents have no objection in permitting the said writ petition to be withdrawn. The said writ petition (C.W.J.C. No. 12894 of 2004) is, thus, permitted to be withdrawn with the liberty aforementioned to the petitioner.