
(2005) 08 JH CK 0045
In the Jharkhand High Court
Case No : WP (S) No. 4525 of 2004

Ashok Kumar Sharma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-08-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2)

Citation : (2006) 1 JCR 375

Hon'ble Judges : S.J. Mukhopadhaya, J; Amareshwar Sahay, J

Bench : Division Bench

Advocate : Sanjay Kumar Dwivedi, for the Appellant; A. Allam, J.P. Gupta, Asstt. S.G. (C.G.), S.K. Verma, SC (Mines), for the Respondent

Judgement

1. This case related to final allocation of cadre u/s 72(2) of the Bihar Re-organization Act, 2000. While the petitioner has challenged the final allocation order, has also prayed for a direction on the respondents to correct the final list on the ground that certain irregularities and illegalities have been committed in the matter of allocation of cadre of extremely backward class.

2. Learned Counsel for the petitioner relied on recent guidelines issued by the Central Government vide Memo No. 14/279/ 2004-SR(S) dated 15th September, 2004 and submitted that even after final allocation orders, the State Government has been permitted to recommend/change for allocation of cadre on certain grounds.

3. Though such submission has been made it has not been pointed out as to how the petitioner is covered by the aforesaid guidelines.

4. Having heard the learned Counsel, while this Court is not inclined to give any finding on the merits of the case, in absence of detail pleadings, gives liberty to the petitioner to approach the competent authority of the successor State Government, if he is able to point out that he is also entitled to the benefits under the aforesaid guidelines dated 15th September, 2004 for re-allocation of

cadre on the ground of mutual transfer or spouse's posting.

5. If any application for re-allocation of cadre on the ground of mutual transfer or posting of spouse or on any other valid ground is made by the petitioner, the competent authority of the successor State under whom the services of the petitioner has been placed will decide the claim. If it is decided in favour of the petitioner, the authority concerned will forward the decision to the competent authority of the Central Government within a period of six weeks from the date of receipt of such representation. Thereafter, if any fresh notification u/s 72(2) of the Bihar Re-organization Act, 2000 is required to be issued, the Central Government may issue the same.

6. If, according to the Central Government, such order is to be issued by the concerned State, it will inform the same to the competent authority of the concerned State for issuance of appropriate order.

7. On the other hand, if any of the authorities rejects the claim, he will communicate the ground(s) to the petitioner within the aforesaid period.

8. This writ petition stands disposed of with the aforesaid observations and directions.