
(2020) 06 JH CK 0030
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4149 Of 2019

Bhagwan Kalundia

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 24-06-2020

Acts Referred:

Citation : (2020) 06 JH CK 0030

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Rajesh Kumar, Ashish Kr. Thakur, Dr. Ashok Kumar Singh

Final Decision : Disposed Of

Judgement

1. Heard Mr. Rajesh Kumar, the learned counsel appearing for the petitioner, Mr. Ashish Kr. Thakur, AC to Mr. Ashutosh Anand, learned AAG-III appearing for the respondent State and Dr. Ashok Kumar Singh, the learned counsel appearing on behalf of the respondent- University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

3. The defects are minor and in that view of the matter, the defects are ignored.

4. The petitioner has preferred this writ petition for a direction to fix salary of the petitioner under 5th and 6th pay revision since 01.01.1996 and 01.01.2006 respectively. The further prayer is made for release of the post retiral dues in favour of the petitioner and also to fix the pension in 6th pay revision.

5. Mr. Rajesh Kumar, the learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Chowkidar in G.C. Jain Commerce College, Chaibasa vide office order dated 04.06.1985 by the Principal of the said college. The service of the petitioner was regularized vide notification

dated 13.05.2000 issued under the signature of Registrar, Ranchi University, Ranchi. He submits that the petitioner's pay scale has not been revised under 5th pay revision which is evident from Annexure-3 to the writ petition. He further submits that the revised 6th pay revision benefit has also not been provided to the petitioner. The Principal has already made recommendation on 18.02.2013 by Annexure-5 series. He submits that the petitioner has already represented but no decision has been taken as yet. He further submits that in identical matter in W.P.(S) No.7818 of 2012 the case was decided in favour of the petitioners. He submits that similar matters have also been affirmed in L.P.A No.351 of 2014 and S.L.P.(Civil) No.24661 of 2016. He further submits that the representation of the petitioner is still pending and the same has not been decided as yet.

6. Dr. Ashok Kumar Singh, the learned counsel for the respondent University by way of referring paragraph no.8 of the counter affidavit submits that 6th pay fixation is pending with H.R.D., Government of Jharkhand for pay fixation and the initiative has been taken by the College for 6th pay fixation for non-teaching staff of the college as per ref. no.GCC/Gen/25-19 dated 23.02.2019. He further submits that it is pending with the Government for want of sanction. He submits that now it is in the domain of the State Government to take a decision on the same.

7. The learned counsel for the respondent State submits that if the recommendation of the University is pending with the Government, the Government will take a decision in accordance with law, rules and guidelines as early as possible.

8. In view of the above facts, the writ petition is being disposed of with a direction to the respondent no.2 to consider the recommendation of the University with regard to 6th pay fixation and other dues of the petitioner and pass appropriate order in accordance with rules, regulation and guidelines so that the benefit of the same may be extended to the petitioner at the earliest. The respondent no.2 shall take a decision in accordance with law within a period of 12 weeks from the date of receipt/production of a copy of this order. It goes without saying that if the decision is taken in favour of the petitioner, the benefit of the same be provided to the petitioner within a period of 8 weeks thereafter.

9. With the aforesaid observation and direction, the writ petition [W.P.(S) No.4149 of 2019] stands disposed of.

10. I.A., if any, also stands disposed of.