

(2009) 08 PAT CK 0062
In the Patna High Court
Case No : CWJC No. 3150 of 2002

Bimal Kumar Singh and Others	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 10-08-2009

Acts Referred:

Citation : (2009) 4 PLJR 201

Hon'ble Judges : J.N. Singh, J

Bench : Single Bench

Judgement

J.N. Singh, J.—Heard learned counsel for the petitioners and learned counsel for the State. The two petitioners have been admittedly granted I.A. Trained scale from 1.4.1985. However, they have filed this writ application for a direction to the respondents to consider grant of I.A. Trained scale to them with effect from 1.3.1981, the date from which their juniors in the gradation list have been granted that scale.

2. Case was taken up on 15.3.2002 and this Court directed it to be listed in usual course.

3. From the writ application it appears that the petitioners had also filed representations before the respondent District Superintendent of Education, Vaishali, as contained in Annexures-10 and 11.

4. In spite of passage of more than 7 years, nothing has come on records of this case, by way of counter affidavit or otherwise, to show that the claims of the petitioners have been considered and/or denied by the competent "authority or has even been considered. Learned Counsel for the respondents is also not in a position to contend that the claims of the petitioners are in active consideration or have been considered and disposed of by the competent authority by now in any manner.

5. In the circumstances, in view of delay caused in the case, this Court has no

option but to dispose of this writ application with the following directions:-

1. Petitioners must file a fresh copy of representation (annexed as Annexures-10 and 11 with the writ application) before respondent No. 3 District Superintendent of Education, Hajipur at Vaishali within one month from today alongwith a copy of this order. The representations must contain all the claims of the petitioners distinctly and in separate paragraphs and must accompany documents connected with their service history and other documents/circulars/ orders etc. on the basis of which petitioners assert their right to get the claims.

2. The concerned respondent, upon receipt of the representations, with a copy of this order, shall immediately take it into consideration, and, if necessary, after hearing the petitioners in person or through representative, as he may feel proper, shall pass final orders within three months of the receipt of the same. In case the concerned respondent is not the competent authority to pass final orders in the matter, he shall refer the matter within two months with his detailed consideration and definite opinion in respect of each claim to the competent authority for passing final orders in the matter, who, after hearing anyone and after examining any record as he may deem necessary, shall pass final orders in the matter within one month from the date of receipt of reference from the concerned respondent.

3. The final order of the concerned respondent or of competent authority or the reference order of the concerned respondent sent to the competent authority must show that (i) each and every claim of the petitioners has been noticed; (ii) each and every claim has been separately considered and a definite finding/ opinion has been arrived at in respect of each and every claim with regard to its admissibility or inadmissibility, and (iii) all the relevant laws/circulars/orders etc. in respect of each and every claim have been taken into consideration for its acceptance or rejection by the said final order.

4. All consequential orders, in respect of the admitted claims, must also be issued alongwith the passing of the final order, and payments of any consequential monetary benefits must be ensured within one month of the passing of the said final order and issue of the said consequential orders.

5. The said final order must be served upon/communicated to the petitioners within the said three months and it must clearly mention the grounds and findings for rejecting any claim with reference to specific law/circular/order for coming to that finding.

It goes without saying that this Court has not gone into the claims of the petitioners on merits which shall be considered and decided by the respondents within the time fixed as above and strictly in accordance with law.