
(2002) 03 JH CK 0012

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3275 of 2001

Chandra Bahadur Singh and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0012

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : R. Krishna, for the Appellant; A.K. Dikshit, JC to AAG and JC to A. Allam, for the Respondent

Judgement

M.Y. Eqbal, J.—Heard the counsel for the parties.

2. The petitioners seek a direction upon the respondents for payment of salary to all the teaching and non-teaching staff of North Koel Project High School, Mohammad Ganj, Palamau at par with the salary of the teaching and non-teaching staff of the nationalised school.

3. The petitioners earlier moved this Court in CWJC No. 11139/92 for a direction for payment of salary in the regular pay scale. The school in question was established by the Irrigation Department in 1980. The teaching and non-teaching staff were paid salary on Muster Roll basis. The writ application was disposed of with a direction to the Secretary, Irrigation Department, Government of Bihar to look into the matter in consultation with the Director, Secondary School and see why they should not be paid salary at par with the other teaching and non-teaching staff of the nationalised school on the principle of equal pay for equal work. In compliance of the said direction, the claim of the petitioners was rejected by the Secretary, Irrigation Department holding that neither the School was taken over by the Government nor it is an affiliated school. However, the decision of the Secretary was subsequently withdrawn and it was decided that the teaching and non-teaching staff of the said school shall be paid basic salary

along with 125% D.A. In 1996 the Executive Engineer, North Koel Canal Division took a decision for payment of enhanced salary on Muster Roll basis. A copy of the office order issued by the Executive Engineer, North Koel Canal Division has been annexed as Annexure 14 to this writ application. It is, therefore, not disputed by the petitioners that they have been getting salary as per the rate fixed by the Koel Canal Division by the aforesaid office order. It further appears from the aforesaid letter that certain amount used to be sanctioned by the Government for payment of salary to the teaching and non-teaching staff of the said school. It has not been disputed that the employees of the school have been getting their salary according to Annexure 14 to this writ application.

4. The earlier writ application was filed before the Division of the State of Bihar. Whatever orders were passed time to time by the authorities of the Irrigation Department, before the creation of the State of Jharkhand. Admittedly, the school in question has not been taken over till date either by the then State of Bihar or the State of Jharkhand. In such a situation, in my opinion, it would not be proper to issue a direction upon the respondents to pay salary to the petitioners in regular pay scale at par with the teaching and non-teaching staff of the Government taken over schools. Admittedly, the school in question situates within the State of Jharkhand. It is, therefore, desirable that the State of Jharkhand should reconsider the claim of the petitioners not only for payment of salary in the regular pay scale but also the question of taking over the school so that the teaching and non-teaching staff who have been working for the last so many years, should get their salary at par with the teachers of the Government schools.

5. In the facts of the case 1, therefore, direct the petitioner to file a detailed representation before the Secretary-cum-Commissioner, Water Resources Department (Irrigation), Government of Jharkhand, Ranchi. In case such representation is filed by the petitioners, the Secretary-cum-Commissioner shall consider the desirability of taking over the school by the Government and also their claim for payment of salary in the regular pay scale. The representation of the petitioners shall be considered and disposed of by the Secretary, Water Resources Department (Irrigation) Government of Jharkhand, Ranchi within a period of six weeks from the date of filing of the representation.