
(2001) 02 JH CK 0075
In the Jharkhand High Court
Case No : CWJC No. 1074 of 2000 (R)

Devaki Tirke and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 15-02-2001

Acts Referred:

Citation : (2001) 02 JH CK 0075

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

Bench : Single Bench

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. In this writ application the petitioners have prayed for issuance of necessary directions upon the respondents for payment of salary which has been withheld since May 1999.

3. Petitioners are the Assistant Teachers appointed in 1978/83/84. In 1995 petitioners were transferred to SS Girls' High School, Doranda. However, their payment of salary has been stopped since May 1999.

4. A counter-affidavit has been filed by respondent Nos. 4 and 5 who are the District Education Officer and the Headmaster of the school stating inter alia that petitioners have been posted on transfer on the post created as planning post. After April 1999, the allotment of funds for payment of salary to the employees of these posts has not been made by the State Government. As such their salary could not be paid. It is further stated that respondents received allotment for payment of salary to the petitioner from the month of March to July 2000. So far payment of arrears of salary for the month of May 1999 to February 2000 is concerned, this respondent is not in a position to pay them salary for that period, unless the amount is received from the State Government.

5. There is no dispute that petitioners have been validly appointed and they have been continuing in service and they have been getting their salary. The only

defence taken by the respondents is that for want of allotment of fund they have not been paid their salary. I also find that the petitioners have been validly appointed and when they were getting salary, there is no reason why they shall not be paid their salary. It is for the respondents to arrange and make payment of salary to the petitioners. Respondents, therefore, are directed to look into the matter and see that all the arrears of salary must be paid to the petitioner within two months from the date of receipt of copy of this order. Respondents shall also see that petitioners are paid their current salary regularly without any break. 6. With the aforesaid observation and direction this writ application is disposed of.

7. Writ Petition disposed of.