
(2006) 04 PAT CK 0062

In the Patna High Court

Case No : CWJC No. 13344 of 2005

Dhirendra Jha "Suman" @ Dhirendra Kumar Jha @ Dhirendra
Kumar "Suman" and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-04-2006

Acts Referred:

Citation : (2006) 3 PLJR 10

Hon'ble Judges : Ramesh Kumar Datta, J

Bench : Single Bench

Advocate : Mrityunjaya Kumar Gautam, for the Appellant;

Judgement

Ramesh Kumar Datta, J.—Petitioners have come to this Court seeking absorption/adjustment/regularisation of their services on the post of Accounts Clerk or equivalent post in the District of Madhubani in the pay scale of Rs. 4000-6000/- which they were being paid prior to issuance of Government's order dated 30.3.2005 by which a policy decision was taken by the Government to close down the Bihar Unemployment Token Allowance Scheme, 1981 from next financial year 2005-06 with the further decision to absorb the employees working in the said Scheme in the Labour Department. The petitioners also seek direction to be absorbed on the same pay scale by giving them continuity of service and by maintaining their inter-se seniority. They further prayed for payment of arrear of their salary from March, 2005 till the issuance of order of absorption. It appears that in C.W.J.C. No. 8044/05; Rabindra Nath Tiwari and Ors. vs. The State of Bihar and Ors. I.A. No. 1414 of 2006 was filed by similarly situated persons whose services were also terminated on account of closure of the said Scheme and by order dated 3.4.2006 the said writ petition was dismissed as the Court did not find any merit but direction was issued to the Secretary-cum-Commissioner, Department of Labour, Employment and Training, Government of Bihar, to ensure that the petitioners get their posting at an early date and are paid their arrears of salary promptly. It was further directed in the said order

that the petitioners shall be entitled to continuity of service and salary after their adjustment.

2. Since the case of the present writ petitioners stands on the same footing this writ petition is also disposed of with the same direction as issued in C.W.J.C. No. 8044 of 2005. However, it is clarified that in terms of the admission in the counter affidavit filed on behalf of respondent No. 5, the District Collector, Madhubani, in para 9 although the Scheme was closed with effect from 9.4.05 with specific direction not to take work from the petitioners and others similarly situated employees yet the said decision of the Government was communicated to the Collector by letter No. 4380 dated 8.4.2005 and this direction was communicated to the B.D.O. concerned on 28.4.2005 stating therein that no work should be taken hence forth from the staffs of the Unemployment Token Allowance Scheme and, thus, their salary for the month of March and April is due but on account of there being no allotment salary has not been paid. On the basis of the said admission the petitioners of the present case would be entitled to salary for the months of March and April, 2005 and the respondents are accordingly directed to ensure that the same is paid within a period of three months from the date of receipt/ production of a copy of this order. With the aforesaid observation and direction this writ petition stands disposed of.