

(2007) 12 JH CK 0050
In the Jharkhand High Court

Dhirendra Nath Mandal and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-12-2007

Acts Referred:

Citation : (2008) 2 JCR 205

Hon'ble Judges : M. Karpaga Vinayagam, C.J

Bench : Single Bench

Judgement

M. Karpaga Vinayagam, C.J.—The petitioners, requesting for issuance of a direction for appointment against Class IV posts in Muffasil Offices within the district of Sahibganj. filed writ petition in CWJC No. 10918 of 1996 before this Court. On 22.9.1997, this Court disposed of the writ petition directing the authorities to prepare and finalize the panel for appointment against Class IV posts within a period of three months, giving weightage in favour of daily wage employees and aged persons. This Court further directed that the authority concerned would make recommendation out of the persons whose names would appear in the panel and the vacancies of all Muffasil Offices were to be filled up within one year from the date of approval of such panel.

2. In spite of the fact that time frame has been stipulated, no action was taken. Therefore, the petitioner filed an application for contempt in MJC No. 3183/2000. The Secretary, Cabinet Co-ordination, appeared before this Court and reported that the, preparation of the panel has already started.

3. In view of the said statement, this Court by the order dated 15.7.2002, disposed of the application giving two more months time for full compliance of the order. Even then no action was taken. Hence, the petitioners filed this present contempt application in Cont. (C) Case No. 135/20077.

4. Show cause has been filed by authorities on 11.4.2007 and on 17.4.2007. This Court, being not satisfied with the reasons for the delay in compliance of the order, directed the authorities to file supplementary show cause. Accordingly

supplementary show cause has been filed on 23.8.2007.

5. According to the Establishment deputy collector, who sworn the affidavit, a penal has already been prepared on 9.4.2007 and a letter sent to the Commissioner, Santhal Pargana Division, on 8.4.2007 for roster clearance and after roster clearance, process of appointment would be initiated. It is also mentioned in the show cause dated 23.8.2007 that the Commissioner, Santhal Pargana Division, by the letter dated 11.7.2007, communicated clearance of roster for 11 post of mali and 7 posts of Chainman. Roster clearance for the remaining posts of peon has been returned with certain queries, the same has been complied with and a request letter sent to the Commissioner for clearance of roster. Appointment of 18 Class IV posts of Chainman and mali has been made by order issued on 17.8.2007. Appointment of 6 posts of Class IV will be made after getting the roster clearance by the Commissioner. In respect of the remaining vacant posts, procedure for appointment will be started immediately after the roster clearance by the Commissioner, for which proposal has already been sent after compliance of the queries. It is also brought to the notice of this Court that against the panel prepared, one Lal Babu Yadav filed writ petition in W.P. (S) No. 2957/2007 challenging the validity of the panel before this Court. In the said writ petition, an interim order that any appointment made out of the panel shall be subject to the result of the writ petition has been passed.

6. These details given in the show cause filed on 23.8.2007 would show that there is some progress made in respect of the appointment. As a matter of fact, the order passed on 22.9.1997 by this Court directing for preparation of the panel has been complied with, some persons have been appointed and an undertaking given that other appointments will be made after roster clearancr.

7. In view of the above submission, I am unable to hold that there is deliberate violation of the order passed by this Court on 22.9.1997. Therefore, the contempt proceeding is dropped, with a direction to the authorities concerned that the entire process of appointment in pursuance of the order dated 22.9.1997 be completed within a period of three months from the date of receipt of a copy of this order.