
(2003) 08 JH CK 0041

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3949 of 2003

Dinkar Kumar and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-08-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 134

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A. Allam and N. Sharmin, for State of Bihar, Rajiv Ranjan, for the Appellant; Shamim Akhtar, SC-II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the petitioners. State of Bihar and State of Jharkhand.

2. As the case requires determination by the respondents at the first instance, it is being disposed of at this stage with the consent of the parties.

3. According to the petitioners, they performed the duties of Non-formal Education Supervisors in different Projects in the districts of Godda; Pakur and Sahebganj. Subsequently, they were retrenched, the Projects having closed. During the period, they worked, they were provided with honorarium/men days, but they have not been provided with the same for the period 1985 to 21st December, 1994.

4. Counsel for, the State of Jharkhand submitted that the matter is to be looked into by the competent authority of the State of Bihar, Certain amounts have been sanctioned for those who were posted in the territory of the State of Bihar.

5. The counsel for the State of Bihar submitted that the records are with the authorities in the districts of Godda; Pakur and Sahebganj. In absence of such records, it cannot be determined whether the petitioners performed duties as Non-formal Education Supervisors not.

6. Having heard the counsel for the parties, the case is remitted to the Secretary, Primary, Secondary and Higher Education, Government of Jharkhand who will inquire into the matter taking into considerations the representations as may be preferred by the individual petitioners. If so necessary, the authorities may call for the report from the concerned Officer of the districts of Godda; Pakur; and Sabebganj. After such enquiry, and on receipt of information, the Secretary, Primary, Secondary and Higher Education, Jharkhand will sent the relevant records with his comments to the Secretary. Primary and Adult Education, Government of Bihar, Patna, preferably within four months from the date of receipt of representation(s).

7. The Secretary, Primary and Adult. Education, Government of Bihar, Patna, in its turn, will determine whether one or other petitioner is entitled for any amount towards honorarium/men days for the period or not, taking into consideration their respective representations, reports and other information, as may be forwarded by the Secretary, Primary, Secondary and Higher Education, Jharkhand, preferably within three months from the date of receipt of information.

8. If any amount is found payable, the authority will pay it within one moth from the date of final decision.

9. On the other hand, if the authority disputes any claim of one or other petitioner, will communicate the ground to such, petitioner(s).

10. It may be mentioned that this Court has not determined the claim on merit.

11. The writ petition stands disposed of.