

(2011) 08 JH CK 0096

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1378 of 2011

Dr. Ranjeet Soren

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0096

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—Learned Counsel for the petitioner submitted that this writ petition has been preferred mainly for the reason that the Respondents have not paid salary to the petitioner for the period running from 11th October, 2000 to 20th May, 2001. During this period, the petitioner was appointed as a Veterinary Doctor and he has joined the services on 11th October, 2000 and he was sent to get the training as per the direction given by the Director, Animal Husbandry, Government of Bihar vide letter dated 12th October, 2000 and to that effect, certificate was also given. These facts have been stated in paragraphs 6, 7, 8 and 9 of the memo of the petition. Despite the training was directed by the respondents, the respondents have not paid salary from 11th October, 2000 to 20th May, 2005. Similarly situated other writ petitioners had filed writ petition being W.P. (S) No. 5713 of 2002, which was decided in their favour vide judgment dated 21st November, 2003 (Annexure-8 to the memo of the petition). Thus, there was already a direction to make the salary to the similarly situated Veterinary Doctors. Against this order, Letters Patent Appeal being L.P.A. No. 43 of 2004 was preferred by the State, which was dismissed by this Court vide order dated 6th March, 2006 (Annexure 8/A to the memo of the petition) and it has been stated by the Division Bench of this Court that there is no illegality if the State is directed to make the payment of salary for the period running from 15th November, 2000 onwards. In the case of the other writ petitioners, the period

was slightly different, but, other facts are similar that they were appointed as Veterinary Doctors and they were sent to get training and during training period, the respondents had not paid salary, therefore, the writ petition was filed, which was allowed and L.P.A., preferred by the State was dismissed. The case of the petitioner is similar to the petitioner, who had preferred earlier writ petition. In the facts of the present case also, the petitioner was appointed as Veterinary Doctor and he has resumed duty on 11th October, 2000 and was sent for training, as stated in paragraphs 6 to 9 of the memo of the petition. This fact has not been denied in the counter affidavit, filed by the respondents and, therefore, let the suitable direction be given to the respondents to make the payment of salary for the aforesaid period.

2. Learned Counsel for the respondent State submitted that they have paid salary to the petitioner only after completion of the training period, but the fact remains that the petitioner had joined the training for the period as stated hereinabove.

3. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, it appears that:

(i) The respondents have not paid salary for the period running from 11th October, 2000 to 20th May, 2001, for which, direction is required to be given.

(ii) The petitioner was appointed as Veterinary Doctor from 11th October, 2000, as stated in paragraph 15 of the counter affidavit.

(iii) It appears that controversy was started after the appointment and joining of the petitioner as Veterinary Doctor because as per the petitioner from paragraphs 6 to 9 of the petition, the petitioner was directed to undergo training vide letter no. 5351 dated 12th October, 2000, issued by the Director, Animal Husbandry, Government of Bihar. A certificate was also issued that the newly added doctors have joined in the Directorate. Thus, the training was already started, no sooner did, the petitioner was directed to go for training from October 2000 itself. The training continued for few months. Thereafter, necessary posting was given to the petitioner on 18th May, 2001 as Touring Veterinary Officer, Barahat, Banka, Bhagalpur and the petitioner gave his joining on the said post on 21st May, 2001.

(iv) It further appears that similarly situated other Veterinary Doctors were not paid salary and they preferred W.P. (S) No. 5713 of 2002. These petitioners were also sent for training and they had also joined their services. During the training period, they have appointed at some other places, thereafter, regular posting were given. Direction was given by this Court vide order dated 21st November, 2003 in W.P. (S) No. 5713 of 2002 that they must be paid salary (Annexure-8). Against this order, L.P.A. No. 43 of 2004, preferred by the State, was also dismissed by Division Bench of this Court vide order dated 6th March, 2006 (Annexure-8/A). In the facts of the present case also, the present petitioner had joined the training, as directed by the Director, Animal Husbandry, Government

of Bihar and, thereafter, regular posting was given and, therefore, the petitioner is entitled for salary from 11th October, 2000 to 20th May, 2001.

(v) In fact, there were two claims of the petitioner for the salary and other allowances, one is for running period from 11th October, 2000 to 20th May, 2001 and another is from 6th November, 2001 to 2nd December, 2001. For the second claim, the grievance has been ventilated by the respondents, during pendency of this writ petition and, therefore, only one grievance is left out i.e. salary for the period running from 11th October, 2000 to 20th May 2001.

4. As a cumulative effect of the aforesaid facts, reasons and judicial pronouncements, I hereby direct the respondent State to make the payment of salary and other admissible allowances of the petitioner for the period running from 11th October, 2000 to 20th May, 2001, within a period of four weeks from the date of receipt of a copy of order of this Court.

5. The writ petition is allowed and disposed of.