

(2012) 06 JH CK 0082

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1882 of 2008

Ekramuddin Ansari and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-06-2012

Acts Referred:

Citation : (2012) 4 JCR 543 : (2012) 4 JLJR 10

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Pandey Neeraj Rai, for the Appellant;

Judgement

Aparesh Kumar Singh

1. Heard learned counsel for the parties. These petitioners moved this court for direction upon the respondents to pay salary to the petitioners for the period between their joining in the respective offices of the Area Education Officers pursuant to the appointment orders and their relieving for being sent to training in the training colleges.

2. Learned counsel for the petitioner has drawn the attention of this Court to the order passed in cases of similarly situated persons such as in W.P. (S) No. 997 of 2003 vide order dated 21.01.2004 and in W.P. (S) No. 3157 of 2006 vide order dated 01.08.2006 wherein, the Director, Primary Education, Government of Jharkhand was directed to consider the case of the petitioners for the payments of arrears of salary for the period for which they were sent for training. Learned counsel for the petitioner has drawn attention of this Court to such an order regarding direction to Director, Primary Education, which is contained in Annexure-4 to the writ application. However, it is submitted on behalf of the counsel for the petitioner that Director, Primary Education has filed supplementary counter affidavit in which the contrary stand has been indicated in paragraph-5 without taking into account the earlier order passed in other cases of similarly situated persons, who were granted the relief, contained at

Annexure-4 to the writ application.

3. Question involves determination of issue of cases relating to the period of petitioners salary and also question relating to the date of joining and date of relieving etc. and on earlier occasions, this Court had remanded the matter to the competent authority to consider the case of the petitioner.

4. In that view of the matter, I am inclined to allow the petitioner to approach the Secretary, Human Resources Development Department, Government of Jharkhand with a fresh representation relating to their claims for the payment of salary for the period of their joining in the respective offices of the Area Education Officers pursuant to the appointment orders and their relieving for being sent to training in the training colleges. If such a representation is filed within three weeks, the Secretary, Human Resources Development Department, Government of Jharkhand shall consider the same in accordance with law and pass a speaking and reasoned order within a period of eight weeks thereafter and the same shall be communicated to the petitioner.

5. Needless to say, if petitioners are found entitled to any of the dues legally admissible to them, the same should be paid to them within a period of six weeks thereafter. With the aforesaid observations and directions, this writ petition stands disposed of.