
(2013) 04 JH CK 0032

In the Jharkhand High Court

Case No : Writ Petition (S) No. 297 of 2009

Ghanshyam Prasad Sah and Others

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 10-04-2013

Acts Referred:

Citation : (2013) 2 AJR 618

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Naresh Pd. Singh and A. K. Singh, for the Appellant; Dilip Jerath and S. N. Prasad, J.C. to Sr. S.C.I., for the Respondent

Judgement

Narendra Nath Tiwari, J.—I.A. No. 1522 of 2011 was listed today in this case. In the said application, the petitioners have prayed for amendment in view of publication of new gradation list during pendency of the writ petition.

2. Learned counsel for the petitioners submitted that the respondents have not considered the petitioners' claim pending since 2009. Because of non-consideration of the petitioners' claim, they had to file the writ petition. It has been submitted that the writ petition itself can be disposed of directing the respondents to consider the petitioners' claim.

3. Learned J.C. to Sr. S.C.I. appearing on behalf of respondent Nos. 1 to 3, learned counsel appearing on behalf of respondent No. 5 and other counsel appearing on behalf of other respondents, submitted that the writ petition itself can be disposed of in terms of the prayer made by the petitioner.

4. Learned counsel, appearing on behalf of respondent Nos. 1 to 3, submitted that the Principal Secretary, Road Construction Department, Government of Jharkhand is the competent authority to decide the petitioners' claim. If any representation of the petitioners is pending or if they file fresh representation before the said authority, the same shall be considered and appropriate order shall be passed. Considering the said submission, this writ petition as well as I.A.

No. 1522 of 2011 are disposed of giving liberty to the petitioners to file fresh representation giving the details of their claim with supporting documents before the Principal Secretary, Road Construction Department, Government of Jharkhand-respondent No. 1. On receipt of representation, the said respondent shall consider the petitioners' claim in the light of the Government circular/ resolution, judicial pronouncement and the relevant documents of both sides and pass appropriate order in accordance with law, within two months from the date of receipt of representation.