

(2008) 07 JH CK 0143
In the Jharkhand High Court

Inder Prasad

APPELLANT

Vs

The State of Jharkhand and Chief Engineer, Water Resources
Department

RESPONDENT

Date of Decision : 22-07-2008

Acts Referred:

Citation : (2008) 07 JH CK 0143

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the respondents.

2. The petitioner has filed this writ application for issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner either in Class-III or Class-IV posts in terms of the Resolution dated 18.9.1993 (Annexure-3), whereby it has been resolved that the persons, whose land and the dwelling house were acquired, will be given priority in the matter of employment either in Class-III or Class-IV post.

3. Under the said Resolution, those displaced persons have been put in three categories. Those displaced persons have been placed in Category-I whose entire land and dwelling house have been acquired; wherein in Category-II those displaced persons have been put in whose house and also land to the extent of 75% has been acquired; in Category-III those persons have been placed whose dwelling house and also land to the extent of 50% have been acquired and the rest of the displaced persons has been kept in Category-IV.

4. Learned Counsel appearing for the petitioner submits that pursuant to Resolution, when the employment was not given to the petitioner, he did move to this Court vide C.W.J.C. No. 927 of 1998(R) which was disposed of on 1.9.1999 directing the respondent-Chief Engineer, Water Resources Department, Ranchi to consider the case of the petitioner for appointment against Class-III/Class-IV

post in terms with the resolution dated 18.9.1993, if he is found to be displaced persons whose land/house was acquired for the purpose of Konar Canal Project. It was also directed that while considering the case of the petitioner for appointment, preference should be given to him over the outsiders. However, the Authority on being approached, rejected the claim of the petitioner on the plea that the petitioner does come within Category-IV, but this finding is quite illegal, as Annexure-1, a report of the Anchal Adhikari, and also Annexure-2, again a report of the Anchal Adhikari submitted to Executive Engineer, would show that some land has been acquired for the purpose of the construction of Konar Canal and the petitioner does have 0.01 acres of land and as such he has been described as landless but still the case of the petitioner for appointment on the said post was not considered and thereby the Authority committed illegality.

5. As against this, learned Counsel for the respondents submits that the counter affidavit filed in this case would go to show that the petitioner never falls either in Categories-I, II or III, rather he falls within Category-IV and in that view of the matter, his case relating to appointment would be considered after the persons who are falling within Categories-I, II, and III would be appointed.

6. However, this assertion has been countered on behalf of the petitioner. Thus this issue regarding status of the petitioner has become a matter of dispute. Hence it cannot be decided in this writ application. But at the same time, it be stated that no reason has been assigned by respondent-Chief Engineer under his order dated 12.12.2002 whereby it has been held that the petitioner does fall in Category-IV.

7. In the circumstances, this application is disposed of with a direction to the petitioner to file a fresh representation before the Chief Engineer, Water Resources Department, Ranchi (respondent No. 2), who by assigning the reasons will be deciding the issue within three months from filing the representation about the category in which the petitioner will be coming and if such decision calls for occasion to consider the case of the appointment of the petitioner, the same be decided at the earliest.

8. With this observation and direction, this application stands disposed of.