
(2022) 04 JH CK 0026

In the Jharkhand High Court

Case No : Writ Petition (S) No. 977 Of 2019, I.A. No. 3225 Of 2022

Jai Shankar And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 19-04-2022

Acts Referred:

Citation : (2022) 04 JH CK 0026

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Manoj Tandon, Vishal Kr. Rai, Onkar Nath Tiwary

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. This writ petition has been filed for the following reliefs:

"(A) For issuance of an appropriate writ/Order (s)/Direction (s) for commanding upon the respondents concerned to treat the service period of the Petitioners rendered as census employee for computation of service and since then their service period will be computed as they were absorbed in the service in the State.

B. For a consequential relief by issuance of a writ in nature of mandamus commanding the concerned Respondent by considering the services of the Petitioners since 1991 for the purpose of fixation of pay and other service benefits viz eligibility for the Pension, Gratuity etc. C. For issuance of writ (S) / direction (S) commanding the concerned Respondent by giving the benefit of GPF as the Petitioner are Government employee as they were adjusted in the service."

2. The learned counsel for the interveners submits that the present intervention application has been filed on behalf of six persons and they are seeking to intervene in the present matter as their case is similarly situated as that of the writ petitioners and they are seeking similar relief.

3. The learned counsel for the respondents has opposed the prayer and has submitted that intervention in support of the case of the petitioners may not be entertained and they have distinct rights and they may agitate their grievance separately.

4. The learned counsel for the respondents has further submitted that the writ petition is itself not maintainable as the petitioners are seeking mandamus but as per the writ petition, no representation for redressal of their grievance has been filed so far and accordingly, no mandamus, as prayed for in the writ petition, be issued. He further submits that the grievance of the petitioners can be taken care of by the respondent no. 3 and if the interveners so choose, they may also approach the respondent no. 3 for redressal of their grievances.

5. The learned counsel for the petitioners as well as the interveners do not dispute that no representation filed before any of the authorities have as such been brought on record, but they submit that appropriate order may be passed so that the respondent no. 3 may consider their grievances so that the entire dispute is set at rest.

6. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court is not inclined to grant the relief as prayed for in this writ petition as the petitioners as well as the interveners have not agitated the grievance before any of the respondents. It further appears that the respondent no. 3 is the appropriate authority who may look into the grievance of the petitioners as well as the interveners at the first instance.

7. Accordingly, this writ petition is disposed of with a liberty to the petitioners as well as the interveners to approach the respondent no. 3 by filing a detailed representation, who in turn, is directed to look into the grievance of the petitioners/interveners and pass a reasoned order in accordance with law taking into consideration the various circulars, Rules, Guidelines, etc.

8. At this, the learned counsel for the petitioners as well as the interveners submit that they shall file a joint representation.

9. The respondent no. 3 is directed to give an opportunity of hearing to one representative of the petitioners/interveners and the reasoned order be communicated at the address to be provided in the representation through speed- post within a period of four months from the date of filing of such representation.

10. It is made clear that this Court has not entered into the merit of the claim or otherwise of the petitioners/interveners and it will be open to the respondent no. 3 to pass order in accordance with law.

11. I.A. No. 3225 of 2022 is closed.