
(2002) 04 JH CK 0028

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1097 of 2002

Jura Bhagat

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-04-2002

Acts Referred:

Citation : (2002) 04 JH CK 0028

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Jai Prakash Sahu, P. Gongopadhyay and S.K. Singh, for the Appellant; Pradip Modi, G.P.-I, for the Respondent

Final Decision : Dismissed

Judgement

Tapen Sen, J.—In this writ petition the petitioner has made a prayer for a direction upon the Respondents to treat him to be in continuous service on the post of a surveillance officer after he had been allowed to rejoin following the inquiry and report by the Civil Surgeon. The petitioner has also made a prayer for payment, of his unpaid salary from the date of his rejoining, specially more so in view of the fact that he was allowed to Join and work for a certain period, whereafter he was restrained from performing his duties without any notice. In the alternative, the petitioner prays for direction upon the Respondent No. 2 to agree to the proposal of the Respondent No. 3 contained in the Notification dated 13.8.2001 by which after scrutiny of papers, the Respondent No. 3 recommended that the petitioner should be allowed to rejoin on his original post of surveillance worker.

2. According to the petitioner, he was initially appointed as a Surveillance worker, whereafter he was promoted in the year 1990 on the post of Surveillance Inspector. The Respondents terminated his services from the promoted post of Surveillance Inspector on 7.4.1995 and held that his appointment on the post of Surveillance Inspector was illegal. This order of termination was challenged by the petitioner in CWJC No. 495/97 (R) before the then Ranchi Bench of the

Hon'ble Patna High Court. By order dated 30.9.1997, the said Writ Petition was dismissed holding that there was no illegality/irregularity in the order of termination issued by the Respondents.

3. The Petitioner again filed CWJC No. 3506/1998 (R) making a grievance that when the order of termination was issued on 7.4.1995, the petitioner was not holding the post, of Surveillance Inspector but he had been reverted on the post of Surveillance worker. He further contended that subsequently an inquiry had been conducted by the Director of Health Services, Government of Bihar, and a report had been submitted by the Civil Surgeon, Ranchi, holding that the Petitioner should be reinstated as surveillance worker. Accordingly, the petitioner appears to have made a prayer in the aforementioned CWJC No. 3506/1998 (R) that he should be allowed to be reinstated on the post of a Surveillance worker. The aforementioned Writ Petition was, however, also dismissed on 23.3.2000, holding, inter alia, that this Court had earlier dismissed the Writ Application filed by the Petitioner and during that period no such plea had been taken by the Petitioner to the effect that he was not holding the post of Surveillance Inspector but was holding the post of Surveillance worker. In that view of the matter the Writ Petition was dismissed. However, an observation was made that: if, according to the petitioner, an inquiry had been conducted and if it had been reported by the Civil Surgeon that the petitioner should be reinstated to the post of Surveillance worker, then the Respondents should be at liberty to take any decision on the basis of the said report and that the order of dismissal passed in CWJC No. 495 of 1997 (R) will not stand in the way of the Respondents to take a decision in accordance with law.

4. Subsequently, the Writ Petitioner appears to have again filed CWJC No. 3293 of 2000 (R) for a direction that the Respondents should accept his appointment and pay his salary since the year 1995. The said Writ Petition was again dismissed holding that there was nothing on record to suggest that the authorities had recalled the order of termination that the authorities had recalled the order of termination dated 7.4.1995 and/or had passed an order of reinstatement. Accordingly, it was held that no direction could be given to accept the joining of the petitioner and/or to pay his salary since 1995. While dismissing the Writ Petition this Court observed that the order will not stand in the way of the petitioner in the matter of future appointment. This order was passed on 22.9.2000.

5. After all this had happened, and after the creation of the new State of Jharkhand under the Bihar Reorganisation Act, 2000, the petitioner received a letter dated 13.8.2001, written by the State Malaria Officer, Ranchi, addressed to the Additional Secretary, Health Services, Government of Jharkhand, Ranchi, whereby and whereunder it is inter alia, intimated that pursuant to the order passed in CWJC No. 3293 of 2000 and on perusal of all relevant documents, sanction was being given for the fresh appointment of the petitioner on the post of a Surveillance Worker and, accordingly, the Additional Director was requested

to inform as to whether he approved such sanction or not. A copy of the aforementioned letter dated 13.8.2001 is Annexure-8 to the Writ Petition.

6. The petitioner stated that after the aforementioned letter was received, nothing happened and on 7.1.2002 the petitioner requested the Additional Secretary by Annexure-9 to accord approval/sanction to the proposal for fresh appointment.

7. Since the prayers of the petitioner have already been dismissed by this Court on three earlier occasions, declining relief, and merely observing that the order would not stand in the way of the petitioner in the matter of further appointment, no relief can be granted to the petitioner in this Writ Petition also. However, since after passing of the order the District Malaria Officer has issued Annexure-8 to the Writ Petition, which is a letter dated 13.8.2001. this Court gives liberty to the petitioner to file a fresh representation before Respondent No. 2 (The Additional Secretary, Government of Jharkhand, Ranchi). If he docs so, the Additional Secretary will pass an order in accordance with law.

8. With these observations and directions this writ petition stands dismissed.