

(2008) 04 JH CK 0004
In the Jharkhand High Court

Maresh Nand Sharma

APPELLANT

Vs

Hindustan Copper Ltd. and Others

RESPONDENT

Date of Decision : 10-04-2008

Acts Referred:

Citation : (2008) 3 JCR 142

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Heard the parties finally.

2. Mr. S.K. Ughal appearing for the petitioner submitted that the petitioner should be confirmed as regular Headmaster and that he should be paid senior pay scale with effect from 1.1.1986.

3. Mr. P.K. Sinha. learned senior counsel appearing for Hindustan Copper Limited, submitted that all the committee managed Schools aided by Hindustan Copper Limited (for short the Company) having been closed since July, 2002, no direction can be issued on the Company to confirm the petitioner on the post of regular Head-master.

4. Regarding the next claim of the petitioner, he submitted that the post of Assistant Teacher was advertised in the Newspaper by the Company, against which the petitioner applied and was selected. Accordingly, offer of appointment was issued vide letter dated 27.1.1982, which was a fresh appointment and, therefore, the petitioner cannot claim that his earlier services should be counted for giving him senior pay scale. However, as per the Government Circular (Annexure C), he was given senior pay scale after completion of twelve years, with effect from 1.2.1994. He further submitted that no writ lies against the Company regarding the committee managed Schools. He referred to the judgment of this Court in Chatradhar Mahto v. State of Jharkhand 2003 (4) JLR 317 confirmed by a Division Bench of this Court in M/c. Bharat Coking Coal

Limited v. Ram Prakash Singh 2004 (1) JLJR 569. followed in the judgment of S.C. Chandra and Ors. v. State of Jharkhand and Ors. passed on 4.3.2004 in W.P. (S) No. 3666 of 2001, and affirmed by the Supreme Court in S.C. Chandra and Others Vs. State of Jharkhand and Others, .

5. As all the committee managed schools aided by the Company are lying closed since March, 2002, in any event no direction can be issued to confirm the petitioner as regular Headmaster.

6. So far as the prayer for giving him senior pay scale with effect from 1.1.1986 is concerned, it appears that the petitioner was working in a Government recognized school from 29.1.1971 but he choose to apply against the advertisement issued by the Company. On selection he was given appointment by the Company which was a fresh appointment. Thus he cannot claim that the period prior to such appointment should be counted "by the Company for giving him senior pay scale with effect from 1.1.1986, on the basis of the letters issued by the District Education Officer, in which also, it was clearly accepted that the committee managed School has got no concern whatsoever with the earlier school, where petitioner was working. Petitioner could not show that there was any stipulation at the time of his appointment in the committee managed School, that his earlier service will be counted for giving him senior pay scale, or that there was any Government Circular, according to which the service period in earlier school is to be counted, even if a teacher chooses to apply against the advertisement issued by another employer, and gets a fresh appointment.

7. In the circumstances, no relief can be granted to the petitioner. Accordingly, this writ petition is dismissed. However, no costs.