
(2005) 08 JH CK 0087
In the Jharkhand High Court
Case No : WP (S) No. 4642 of 2004

Mamoodin Ali

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-08-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2)

Citation : (2006) 1 JCR 374

Hon'ble Judges : S.J. Mukhopadhaya, J; Amareshwar Sahay, J

Bench : Division Bench

Advocate : Sanjay Kumar Dwivedi, for the Appellant; A. Allam, J.P. Gupta, Asstt. S.G. (C.G.), S.K. Verma, SC-I (Mines), for the Respondent

Judgement

1. This application has been preferred by the petitioner against Order No. 6(jh)/2004 and Order No. 6(b)/2004 both dated 29th July, 2004, whereby and whereunder, the Central Government in exercise of power, conferred u/s 72(2) of the Bihar Re-organization Act, 2000, has allocated him the successor State or Bihar.

2. Learned Counsel for the petitioner relied on recent guidelines, issued by the Central Government vide Memo No. 14/ 279/2004-SR(S) dated 15th September, 2004 and submitted that the State Government has been empowered for fresh allocation of the State on certain grounds. Though such submission has been made, there is nothing on the record to suggest that the petitioner is covered by the aforesaid guidelines.

3. In the facts and circumstances, while this Court is not inclined to give any finding on the merits of the case, as suggested by the learned counsel for the petitioner, gives liberty to the petitioner to approach the competent authority of the State Government under whom he has been posted, if he is able to show he is also entitled to the benefits under the aforesaid guidelines dated 15th September, 2004 for re-allocation of cadre on the ground of mutual transfer of spouse's posting.

7. If any representation is preferred by the petitioner within a period of three weeks for re-allocation of the cadre on the ground of mutual transfer or posting of spouse or on any other valid ground, the competent authority of the State, under whom the services of the petitioner has been placed, will decide the claim. If it is decided in favour of the petitioner, the authority concerned will forward the decision to the competent authority of the Central Government within a period of six weeks from the date of receipt of such representation. Thereafter, if any fresh notification u/s 72(2) of the Bihar Re-organization Act, 2000 is required to be issued, the Central Government may issue the same.

5. If, according to the Central Government, such order is to be issued by the concerned State, it will inform the same to the competent authority of the concerned State for issuance of appropriate order.

6. On the other hand, if any of the authorities rejects the claim, he will communicate the ground(s) to the petitioner within the aforesaid period.

7. This writ petition stands disposed of with the aforesaid observations and directions.