
(2006) 08 JH CK 0132
In the Jharkhand High Court

Manoj Kumar

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 29-08-2006

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72

Citation : (2007) 1 JCR 247

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—I have considered the LA.

2. This I.A. is allowed and the averments made in the LA. are taken as part of the main writ petition.

3. I.A. stands disposed of.

W.P. (S) No. 460 of 2006

4. Petitioner is aggrieved of the allocation made by the State Advisory Committee for bifurcation of the Cadre and consequential allocation of the State in terms of Section 72(2) of the Bihar Reorganization Act, 2000. Petitioner has been allocated the State of Bihar. He filed a writ petition before the Delhi High Court, which was disposed of with liberty to the petitioner to approach the State of Bihar or the State of Jharkhand and 8 weeks" interim stay was granted. Petitioner preferred Letters Patent Appeal, which was dismissed as withdrawn with a direction for extending the stay for four weeks. Admittedly, four weeks" stay has already elapsed as it appears from the order passed by the L.P.A. Bench on 02nd of January, 2006. Petitioner has also referred to Annexure-4, 5 and 6 to this petition contending, therein, that both the States have recommended for reallocation. The Central Government has issued letter dated 15th of September, 2004, providing guidelines for reallocation of the States/after the final allocation order is passed. Petitioner"s case is required to be considered in terms of the aforesaid guidelines. Apart from challenging the allocation, petitioner has also

filed I.A. No. 843 of 2006 seeking a direction for mutual transfer/allocation of the States. One Wakil Singh, is interested to go to the State of Bihar and the petitioner is interested to remain in the State of Jharkhand.

5. The same issue came up before this Court in W.P. (S) No. 4835 of 2004 in the case of Moti Lal Bhagat v. Union of India and Ors. reported in 2006 (1) J.L.J.R. 366, wherein a Division Bench of this Court passed the following directions:

5. In the facts and circumstances, the petitioner having represented the matter before the competent authority of the State Government, instead of deciding the claim on merit, the case is remitted with a direction to the competent authority of the State under whom the services of the petitioner has been placed, to decide the representation, as preferred by the petitioner, and forward it to the competent authority of the Central Government within a period of six weeks from the date of receipt/production of a copy of this order. 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.

6. 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.

7. 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.

6. Let the case of the petitioner be considered and disposed of by the Respondent nos. 8 and 9 in terms of the directions, noticed hereinabove, within a period of four months.

7. Till the matter is considered, status quo as exists today shall be maintained.