
(2017) 07 JH CK 0060
In the Jharkhand High Court
Case No : 1728 of 2017

Manoj Kumar, son of Late Harihar Bhagat	APPELLANT
Vs	
Jharkhand Public Service Commission	RESPONDENT

Date of Decision : 17-07-2017

Acts Referred:

Citation : (2017) 07 JH CK 0060

Hon'ble Judges : Dr. S. N. Pathak

Bench : SINGLE BENCH

Advocate : Ranjan Kumar Singh

Final Decision : Disposed

Judgement

1. Heard learned counsel for the petitioner and the learned counsel for the respondents.
2. The petitioner was appointed as Cluster Resource Person (CRP) pursuant to the scheme of the State Government for promoting the education programmes upto the block level, under the Sarva Shiksha Abhiyan.
3. It is the case of the petitioner that the petitioner was being paid his honorarium, but during the Financial Year 2011-2012, he was not paid his honorarium from the month of November, 2011 to March, 2012 and during the Financial Year 2012-2013, he was not paid his honorarium from November, 2012 to March, 2013 (total ten months). The petitioner is still continuing in his service.
4. It is an admitted fact that the selection of the Block Resource Person and the Cluster Resource Person are made by the concerned District Superintendent of Education, being the District Programme Officer under the Jharkhand Education Project.
5. At the outset, learned counsel for the petitioner submits that this writ application may be disposed in view of order dated 05.09.2016, passed in W.P. (S). No. 2681 of 2015, by a Co-ordinate Bench of this Hon'ble Court.

6. Though no counter-affidavit has been filed by the respondents but learned counsel appearing for the respondents submits that he has no objection if this writ application is being disposed in view of the directions given in W.P.(S). No. 2681 of 2015. Relevant para of order dated 05.09.2016 passed in W.P.(S). No. 2681 of 2015 is reproduced herein below:-

"13. In view of the aforementioned discussions, this Court has no option but to direct the respondent authorities, particularly the respondent No.5, the District Superintendent of Education-cum-District Programme Officer, Jharkhand Education Project, Godda, to ensure that the final payment of the arrear of honorarium of the petitioner is made positively within the period of six weeks from the date of production / communication of this Order, completing all due process within the same period. It is directed that the respondent No.5, the District Superintendent of Education-cum- District Programme Officer, Godda shall not draw his salary also, unless the order of this Court is complied with and the payment of arrears of the honorarium is actually made to the petitioner."

7. In view of the fair submissions made by the learned counsel for the parties, I am disposing of this writ application in view of the directions issued vide order dated 05.09.2016 passed in W.P.(S). No. 2681 of 2015 by a Co-ordinate Bench of this Hon"ble Court.

8. Accordingly, the respondent authorities, particularly the respondent No.5, the District Superintendent of Education-cum-District Programme Officer, Godda, is hereby directed to ensure that the final payment of the arrear of honorarium of the petitioners are made positively

within a period of six weeks from the date of production/ communication of this Order, completing all due process within the same period. It is directed that the respondent No.5, the District Superintendent of Education-cum-District Programme Officer, Godda shall not draw his salary also, unless the order of this Court is complied with and the payment of arrears of the honorarium is actually made to the petitioner.

9. Let a copy of this order be sent to the Deputy Commissioner, Godda, who is also the Chairman of Sarva Shiksha Abhiyan, as also the District Treasury Officer, by virtue of his post, to ensure that the payment of salary of the respondent No.5 for the month of July, 2017 and onwards shall not be made, unless it is certified by him that he has already complied with the Order of this Court.

10. This writ application is accordingly, disposed of with the directions as above.

11. Let a copy of this order be also given to the learned counsel for the State for the needful.