
(2011) 07 JH CK 0037

In the Jharkhand High Court

Case No : Writ Petition (S) No. 779 of 2011

Md. Sarfaraz Ahmad

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0037

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—The Petitioner is aggrieved by the part of the order issued by the District Commandant, Dhanbad dated 4th December, 2010, whereby the Petitioner has been directed to furnish bond for reenrollment of the Petitioner in the Home Guard.

2. It has been stated that the said order is against the direction of this Court dated 15th April, 2009 passed in W.P.(S) No. 1964 of 2003. By the said order, the Court had directed the concerned Respondent to accept the Petitioner's joining, holding that he will be also entitled for the consequential benefits with effect from 5th September, 2002the date of his acquittal.

3. A counter affidavit has been filed on behalf of the Respondents, contesting the Petitioner's claim. However, learned J.C. to A.G., appearing on behalf of the Respondents, submitted that the order, requiring bond from the Petitioner, has been recalled and his joining has been accepted as far back as on 3rd December, 2010. He further submitted that in spite of acceptance of his joining, the Petitioner is not receiving the command and not joining the duty.

4. The Petitioner, appearing in person, submitted that the Respondents were not accepting his joining and no letter was sent regarding acceptance of his joining after giving joining by him. He further submitted that now since the Respondents have made statement regarding acceptance of his joining, he will go and report for duty on 1st August, 2011 and receive command issued by the Respondents.

5. Learned Counsel for the Respondents submitted that after reporting of the Petitioner on duty, a fresh command shall be issued to him.
6. Considering the said situation and the facts and circumstances of the case, the Petitioner is directed to report to the office of the District Commandant, Dhanbad Respondent No. 3 on 1st August, 2011. On reporting, the said Respondent shall hand over fresh command to the Petitioner.
7. This writ petition is disposed of with the aforesaid directions.