

---

**(2016) 01 JH CK 0041**  
**In the Jharkhand High Court**  
**Case No : W.P.(S) No. 1105 of 2015**

Md. Tejamul Ansari @ Tejamul Ansari APPELLANT  
Vs  
State of Jharkhand and others RESPONDENT

---

**Date of Decision :** 05-01-2016

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2016) 1 JBCJ 505

**Hon'ble Judges :** Aparesh Kumar Singh, J.

**Bench :** Single Bench

**Advocate :** Arshad Hussain and Haider Ali, Advocates, for the Appellant; J.C. to A.A.G, for the Respondent

**Final Decision :** Disposed Off

---

## Judgement

Aparesh Kumar Singh, J. - Heard counsel for the parties.

2. Issue involved herein is pending consideration before the Larger Bench of this Court in W.P.(S) No. 4110 of 2013 (Bhola Nath Hansda and others v. State of Jharkhand and others and analogous cases. The said batch of case were earlier referred to the Division Bench by this Court. The petitioner's salary has been stopped from November 2014 insisting that he should opt C.P.F. Scheme 2004 as has absorption in the Agricultural Department as surplus employee of the erstwhile Adult-cum-Non-Formal Education Project is treated as a fresh appointment. The absorption has been made pursuant to the resolution dated 30.05.2007 at Annexure-1, of the Department of Human Resource Development Department, Government of Jharkhand. The petitioner is presently posted in the office of the Sub-Divisional Agriculture Office, Sahibganj as a Farm Assistant.

3. Learned counsel for the petitioner has prayed for an interim order for payment of salary during the pendency of the writ petition in similar terms as was granted in W.P.(S) No. 5323 of 2013 vide order dated 21.03.2014 to such employees, who were also absorbed in Agriculture and other Department treating them as

surplus employees of the erstwhile Adult-cum-Non-Formal Education Project. The petitioner is ready to abide by conditions laid down in the interim order dated 21.03.2014 and is ready to deposit the shares of C.P.F. deductions in lump sum along with interest as may be statutorily required or under the terms of the said Scheme, if the petitioner fails in the writ petition.

4. Having considered the submissions of the parties, since the main issue involved in this writ petition is subject matter of the pending writ petition before the Larger Bench of this Court being W.P.(S) No. 4110 of 2013 supra, any decision in the matter would await the outcome of the said writ petition. However, so far as the interim prayer for payment of salary is concerned, the case of the petitioner would be guided by terms and conditions contained in the interim order dated 21.03.2014 passed in W.P.(S) No. 4323 of 2013, the operative portion of which is quoted herein below:

"Learned Additional Advocate General, Mr. Jai Prakash appearing on behalf of the State has submitted that if the order dated 11.11.2013 is clarified to the extent regarding the manner in which the current salary of these petitioners should be paid, there would be no difficulty in making payment of the current salary these petitioners pending adjudication of the case on merits.

The main issue pending adjudication before this Court is in relation to the petitioners' claim to remain in G.P.F. Pension Scheme instead of switching over the New Pension (C.P.F.) Scheme. In such circumstances, it was observed on earlier date that their current salary be paid to them if they are discharging their duties. Having regard to the submission made today by the rival parties, it is observed that the arrangement under which their salary were being paid earlier by making deductions towards the G.P.F. account would be continued to be made during the pendency of the writ petition and their salary be paid in the same manner, if they have been discharging their duties. However, the same would be subject to the outcome of the instant writ petition. If the petitioners fail in the writ petition, they would be required to deposit their shares of C.P.F. Deductions in lump sum along with interest, as may be statutorily required or under the terms of the said Scheme."

5. Let this matter appear accordingly after decision in W.P.(S) No. 4110 of 2013 by the Larger Bench of this Court.