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**(2011) 12 JH CK 0065**

**In the Jharkhand High Court**

**Case No : Writ Petition (S) No. 2116 of 2008**

Moran Singh Kandaiburu

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

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**Date of Decision : 20-12-2011**

**Acts Referred:**

**Citation : (2011) 12 JH CK 0065**

**Hon'ble Judges : Dhirubhai Naranbhai Patel, J**

**Bench : Single Bench**

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## **Judgement**

D.N. Patel

1. Counsel for the petitioner submitted that suffice it will be for disposal of this writ petition, if a direction is given to respondent no. 2, to treat this writ petition as a representation and decide the claims made in this writ petition in accordance with law, within stipulated time, as given by this Court.
2. I have heard counsel for the respondents, who has submitted that they have no much objection, if such a direction is given to respondent no. 2 to treat this writ petition as a representation and decide the claims made in this writ petition in accordance with law, within the stipulated time, as given by this Court.
3. In view of these submissions, I hereby, direct respondent no. 2 to treat this writ petition as a representation and decide the claims made in this petition in accordance with law, rules, regulations, policies and Government enforceable orders, applicable to the petitioner as expeditiously as possible and practicable, preferably within a period of twelve weeks, from the date of receipt of a copy of an order of this Court, after giving an adequate opportunity of being heard to the petitioner or to his representative.
4. Respondent no. 2 will also consider that Annexure-2 to the present writ petition is simply a notice given to the petitioner. It is alleged by the petitioner that this notice has not been finally decided by respondent no. 2 and therefore, if

no decision has been taken so far upon the show cause notice at Annexure-2 then the decision will be taken in accordance with law within a period of twelve weeks. If the decision has already been taken in pursuance of the show cause notice at Annexure-2, there is no need to take fresh decision, but, the decision, which has already been taken upon Annexure-2, will be communicated to the petitioner once again so that the petitioner may challenge the same, if it is so desirable as per law.

5. If the decision is taken in favour of the present petitioner then all necessary benefits will be extended to the petitioner within further period of four weeks, after the decision is taken. If the decision is to be taken by respondent no. 2 upon the show cause notice of Annexure-2, an opportunity of being heard will be given to the petitioner to present any document, upon which the petitioner is relying upon.

6. Despite on earlier occasion, time was granted to file counter affidavit, till today, no counter affidavit has been filed. The matter is of the year, 2008. Lethargic respondents have not filed counter affidavit even after lapse of approximately three and half years and therefore, this direction has been given to respondent no. 2 to take afresh decision.

7. This writ petition is disposed of, in view of the aforesaid directions.