

(2009) 10 JH CK 0062
In the Jharkhand High Court

Mukesh Kumar and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-10-2009

Acts Referred:

Citation : (2009) 10 JH CK 0062

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnak, J.—Petitioners, in this writ application, have prayed for a direction to respondents to treat the petitioners as Government employees having State Government Cadre, with all consequential benefits as available to Government employees, including the benefits of the claim under General Provident Fund and not to treat them as employees of District Rural Development Agency.

2. Heard learned Counsel for petitioners and learned Counsel for respondents/ State.

3. Learned Counsel for petitioners submits that the demand of petitioners is, in fact, based upon a decision of the Division Bench of Patna High Court in the case of Siya Ram Singh and Ors. v. the State of Bihar and Ors. vide C.W.J.C. No. 6543 of 1991, whereby a direction was given to the State Government to take a final decision, regarding service conditions of the employees of the D.R.D.A., on the basis of the recommendation/report of the Committee constituted by the State Government.

4. Learned Counsel further submits that in compliance of the aforesaid direction of the High Court, the respondent- State Government had adopted a resolution to absorb all such employees, working in the various D.R.D.As., under government service. Learned Counsel refers in this context, to the statements contained in the counter affidavit of the respondents.

5. It is further submitted that despite the resolution being taken by the State Government, the decision of the State Government has not been implemented by

the concerned department of the State Government as yet and the petitioners apprehend that before the decision is finally implemented, many of the present petitioners may superannuate and be thereby deprived of the benefits of being considered as State Government employees.

6. At paragraph- 13 of the counter affidavit filed on behalf of the respondents, it has been stated that the service conditions (of the employees of the D.R.D.A.), as determined by the then State of Bihar, continues in the State of Jharkhand also. In order to improve the service conditions of the petitioners, a resolution No. 4916 was adopted on 07.09.2005 (Annexure- 8) under which, a decision was taken to absorb the present petitioners in the different departments of the State Government on equivalent posts. The corresponding consent of Department of Personnel & Administrative Reforms, Finance Department, Law Department and also the Cabinet of the State, has already been taken and pursuant to such decision, the services of 18 Statistical Investigators and 71 Cooperative Extension Officers, working in different D.R.D.As of the State, has already been handed over to Panchayati Raj Department for absorption on the post of Gram Panchayat Supervisors.

7. In the light of the above categorical statement of the respondents, there appears no dispute to the claim of the petitioners that they should be treated at par with the Government employees. In fact, the Respondent-State Government has , conceded the claim and has also proceeded to issue a direction for absorption of the petitioners in the various departments of the State Government. In the case of the petitioners, the Panchayati Raj Department has been directed to absorb the petitioners on the post of Gram Panchayat Supervisor. Such a direction was issued way back in March, 2006 (as per Annexure- A to the counter affidavit). It is not understood as to why the direction has not been complied with by the concerned department, even after the lapse of more than three years.

8. In the light of the above facts and circumstances, the Secretary, Panchayati Raj Department, State of Jharkhand is directed to comply with the direction, issued by the State Government, vide letter No. 1418 dated 06.03.2006, within three months from the date of receipt of production of a copy of this order and submit the compliance report to the D.R.D.A., as also intimate the petitioners accordingly.

9. With these observations/directions, this writ application is disposed of.

10. Let a copy of this order be given to the learned Counsel for the respondent-State for needful.