
(2007) 07 JH CK 0062
In the Jharkhand High Court

Nandji Upadhya

APPELLANT

Vs

Bihar State Mineral Development Corporation Ltd. and Others

RESPONDENT

Date of Decision : 06-07-2007

Acts Referred:

Citation : (2007) 4 JCR 111

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard the parties.

2. Mr. P.K. Prasad, appearing for the petitioner submitted that petitioner's case has not been properly considered while rejecting his claim by the impugned order dated 4.1.1997. Regarding ground No. (a) of rejection, he submitted that petitioner and Deobrat Mahto both were appointed initially as Assistant. Both of them were also designated as Mining Mate and sent for training and they worked as Laboratory Incharge after the training and not Mining Mate but it wrongly stated that petitioner has been working as Mining Mate. Regarding ground No. (b) he submitted that petitioner is claiming designation and pay scale of Chemist and therefore, there is no use of saying that the Corporation has never designated the petitioner as Chemist. Moreover, this Court found in the earlier writ petition being CWJC No. 1459 of 1990 (R) that undisputedly petitioner was working as Laboratory Incharge. Regarding ground No. (c) he submitted that Amarnath Singh and Daya Shankar Singh were appointed on ad hoc basis as Chemist for six months and they worked under the petitioner. Petitioner is claiming pay scale and designation of Chemist as it was given to Deobrat Mahto, Amarnath Singh and Daya Shankar Singh without considering petitioner's claim. Petitioner is also B.Sc. with Chemistry with an added qualification of M.Sc. in Mathematics. With regard to ground No. (d) he submitted that the case of petitioner and Deobrat Mahto stands on identical footing but Deobrat Mahto was granted the designation and scale of Chemist denying such claim of petitioner. Mr. Prasad further submitted that a Committee was constituted after the said

judgment of this Court passed in CWJC No. 1459 of 1990 and the Committee submitted its report in July/August 1995, recommending petitioner's case but the same was neither referred nor considered while rejecting petitioner's claim, and moreover the said representation was kept pending for about two years, though it was to be disposed of within three months. He lastly submitted that petitioner is concerned with his claim only, and is not concerned with other persons.

3. Counsel for the respondents submitted that the Board of Directors in its meeting held on 19.11.1987 created five posts of Junior Chemist and applications were invited from employment exchange for selection to three posts of Junior Chemist. Thereafter, interview letters were issued to 34 candidates. The Selection Committee recommended five names in order of merit in which Daya Shankar Singh and Amarnath Singh were at serial Nos. 1 and 2. The Committee did not find the petitioner suitable for the post as he did not have the requisite qualification of B.Sc. (Chemistry).

4. In view of the specific allegation with regard to back door appointments of Daya Shankar Singh and Amarnath Singh, it was necessary for the respondents to annex/produce documents in support of the said statements made in the counter-affidavit, but the same has not been done. It further appears that the statement of the petitioner regarding recommendation of his case by the Committee, has also not been specifically denied by the respondents. Today a supplementary affidavit as been filed by the petitioner, annexing a copy of the report of the Committee. Even though report of the Committee is not binding but the same should have been considered by the Managing Director (respondent No. 3) and valid reasons should have been given for rejecting the report. From the facts and circumstances noticed above. I am satisfied that petitioner's representation has been rejected without considering the relevant matters.

5. In the result, the impugned order dated 4.1.1997 (Annexure9) is set aside and petitioner is given liberty to file a detailed representation with supporting documents in support of his case within four weeks from today before the Managing Director/ Board of Directors which will be disposed of by a speaking order and in accordance with law within two months from the date of receipt thereof.

6. With these observations and directions, this writ petition is disposed of.