

(2021) 02 JH CK 0038
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2554 Of 2020

Niranjan Kumar And Ors

APPELLANT

Vs

Chief Secretary, State of Jharkhand And Ors

RESPONDENT

Date of Decision : 03-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0038

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : J. Priyadarshini, Jagdeesh, Akashdeep

Final Decision : Disposed Of

Judgement

1. Heard Ms. J. Priyadarshini, learned counsel for the petitioners, Mr. Jagdeesh, learned counsel for the respondent-State and Mr. Akashdeep, learned counsel for the respondent-University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.

3. The petitioners have preferred this writ petition for direction to the respondents for releasing the pay allowances and arrears of the petitioners at the earliest. The further prayer is made to regularize the services of the petitioners.

4. The petitioners are Grade III/IV employees of respondent no.2. The services of the petitioners were regularized by respondent no.2 vide

notification dated 08.02.2018 as Grade IV employees in prescribed pay scale and other admissible allowance as per University Rule and the same was

effective immediately vide Annexure-1 of the writ petition. From the year 1992 to 1995, respondent no.2 engaged the services of the petitioners on

daily wages basis, thereafter the petitioners worked continuously. In the year 1998, the services of the petitioners were abruptly terminated and the

petitioners were not even compensated. Respondent no.2 by notification dated 01.06.2012 engaged the services of the petitioners from sl. no.1 to sl.

no.10 in Grade-III and the services of the petitioners from sl. no.11 to sl. no.12 in Grade-IV on contractual basis for three months. The services of the

petitioners were extended for 11 months by notification dated 03.09.2012. However, the services of the petitioners were regularized on 08.02.2018.

The petitioners are not getting salary since regularization of their services on the ground of approval from respondent no.1. Respondent no.2 has

already written a letter to respondent no.6 for sanction of the payment of salary and allowances, but no action has been taken so far.

5. Learned counsel for the petitioners submits that similarly situated persons have been given the benefit, whereas, the petitioners are being deprived of the same.

6. Learned counsel for the respondent-University submits that the University has already taken steps and now it is in the domain of the respondent-

State of Jharkhand to take a decision.

7. Learned counsel for the respondent-State submits that the University may re-examine the matter and make a fresh recommendation, if comes to

that conclusion, to the respondent-State.

8. In view of the above facts and considering the submission of the learned counsel for the parties, the petitioners are directed to file fresh

representation before respondent no.4 along with all the credentials, on which, they are relying for such relief, within a period of three weeks from

today. If such representation is filed within the aforesaid period, respondent no.4 shall take appropriate steps and if necessary will place the matter

before the appropriate authority for considering the case of the petitioners and for passing the reasoned order. There is averment in the writ petition

that the University has already recommended the case of the petitioners to the Government of Jharkhand. This aspect of the matter shall also be

considered by the respondent-University. The respondent-University shall extend its decision to the Government of Jharkhand for the needful within a

period of six weeks thereafter. The Government of Jharkhand, after receiving the recommendation, shall take a decision in accordance with rules, regulations and guidelines, within a period of eight weeks thereafter.

9. With the above observations and directions, this writ petition stands disposed of.