

(2005) 06 JH CK 0047

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2959 of 2005

Niranjan Prasad Mandal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 22-06-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2)

Citation : (2005) 3 JCR 424a

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A. Allam and Shravan Kumar, Binod Kumar Jha and Jitendra Kumar, for the Appellant; J.P. Gupta and Ashutosh Anand, P. Modi, GP I and Surendra Kumar, JC to GP I, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner against the order contained in Memo No. 651, dated 16th may, 2005, so far as it relates to petitioner, whereby and whereunder, the services of petitioner has been allocated to the Bihar Cadre under the Co-operative Department. The aforesaid order has been issued u/s 72(2) of the Bihar Reorganisation Act, 2000.

2. The only grievance made by. the petitioner is that he had given his option for the State of Jharkhand and is a permanent resident of the State but that cannot be a ground to claim his allocation for State of Jharkhand. The Central Government, on the recommendation of an Advisory Committee has finalized the Cadre. The said Committee not only took into consideration the objections filed by one or other, but also noticed the guidelines issued by the Central Government relating to allocation of Cadre.

3. The other ground taken by the counsel for the petitioner is that the person junior to him has been allocated the Jharkhand Cadre, but that cannot be also a ground to assail the order dated 16th May, 2005.

4. Admittedly, at the time of allocation of Cadre, certain seniors and juniors are to be distributed, as per the ratio, in both the successor States of Bihar and Jharkhand and while distributing the employees to one or other Cadre the services of both seniors and juniors will be placed under both the States of Bihar and Jharkhand.
5. Such being the position, I find no ground made out to interfere with the order in question.
6. In the facts and circumstances and there being no merit, the writ petition is dismissed.