
(2019) 08 JH CK 0146

In the Jharkhand High Court

Case No : Writ Petition (S.) No. 5917 Of 2013

Nripendra Nath Thakur

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Citation : (2019) 08 JH CK 0146

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Afaq Ahmad, Yogendra Prasad, Amit Sinha

Final Decision : Partly Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Afaq Ahmad, learned counsel for the petitioner, Mr. Yogendra Prasad, learned counsel for the respondent State and Mr. Amit Sinha, learned counsel for the respondent Ranchi University.

2. The petitioner has preferred this writ petition for payment of arrears to the tune of Rs. 2,43,223/- on account of his promotion to the post of Reader w.e.f 01.02 1985 to August 1994.

3. Learned counsel for the petitioner submits that the petitioner joined the service as Reader in Gossner College, Ranchi on 01.11.1971. The petitioner was granted 10 years' time bound promotion on the recommendation of the Bihar College Service Commission, Patna by letter dated 16.07.1996. In the said letter, the name of the petitioner appears on serial no. 16. The said promotion of the petitioner on the post of Lecturer from the post of Reader. Subsequently, approved by the Syndicate of Ranchi University, Ranchi in its meeting held on 11.12.1996 vide letter dated 24.01.1997 issued by the Registrar, Ranchi University, Ranchi in which the name of the petitioner figured at serial no. 16. Learned counsel for the petitioner further submits that in view of these

developments, the petitioner is entitled for receiving the said amount and the same was sent to the Registrar, Ranchi University, Ranchi for necessary action. The Registrar, Ranchi University, Ranchi by its letter dated 17.10.2000 requested the Director, Higher Education of the then Government of Bihar, Patna to release the said admissible amount and arrears as claimed by the petitioner after proper verification. Thereafter, the petitioner represented repeatedly before the authorities, but, the payment has not been made.

4. Learned counsel for the petitioner draws the attention of this court at Annexure-5 to the writ petition which is the letter issued by the Principal, Gossner College requesting the Registrar, Ranchi University for payment of arrears of salary for the period of promotion. The said letter annexed with the statement of difference of dues of arrears, which contains the signature of Finance Officer, Ranchi University and of the competent authority of the college for the payment of arrears. He further submits that the case of the present petitioner is entirely covered with order dated 22.12.2006 passed in W.P. (S.) No. 2859 of 2004 by a Division Bench of this Court. He further draws the attention of the court At annexure-7 to the supplementary affidavit, which is the letter issued by the Government of Jharkhand addressing the Registrar, Ranchi University, Ranchi, Vinoba Bhave University, Hazaribagh and Sidho-Kanu Murmu University, Dumka wherein it is stated that the government have pleased to sanction the amount for payment with regard to arrears of salary. On this, learned counsel for the petitioner submits that the petitioner is liable to get the payment in view of the Annexure-7 which is letter dated 29.08.2006 in which it is stated that arrears claim of the employees or retired employees prior to 15.11.2000 will be met by the State Government.

5. On the other hand, Mr. Yogenra Prasad, learned S.C. II for the respondent State, submits that it is not clear that the State of Jharkhand has received the request or not from the Ranchi University and submits that prima facie it appears that the request has been received from the Gossner College as the signature of Finance Officer is figured in the statement of Data of arrears of salary.

6. Having heard the learned counsel for the parties, this Court finds that the case of the petitioner is fully covered by the judgment dated 22.12.2006 passed in W.P. S. No. 2859 of 2004. The facts narrated in this writ petition have not been disputed by the learned counsel for the respondents. Accordingly, the State of Jharkhand is directed to release the amount, in question, in favour of the respondent-Gossner College. The College in its turn will release the said amount in favour of the petitioner within six weeks' from the date of receipt of the said amount. It is made clear that if the Ranchi University has not forwarded the arrears as data annexed with the Annexure-5 to the writ petition, the Ranchi University will do so immediately so that the amount will be released in favour of the petitioner.

7. With the above observations and directions, the writ petition stands allowed and disposed of.