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**(2004) 04 JH CK 0034**

**In the Jharkhand High Court**

**Case No : Writ Petition (S) No. 2284 of 2004**

Om Prakash Mishra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision : 28-04-2004**

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation : (2004) 4 JCR 376**

**Hon'ble Judges : Amareshwar Sahay, J**

**Bench : Single Bench**

**Advocate : Delip Jerath and Rajesh Lala, for the Appellant; Standing Counsel-II, for the Respondent**

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**Judgement**

1. Heard the learned counsel for the petitioner and the State.
2. The petitioner has moved this Court earlier by filing WP (S) No. 4681/2003 which was disposed of on 17.9.2003 against which the petitioner filed LPA No. 639/2003. The order passed by the Division Bench in LPA on 25.2.2004 has been annexed as Annexure-3 to the writ application. On perusal of the said order it appears that the Division Bench has set aside the Notification No. 3787 dated 12.9.2003. Notification No. 3797 dated 12.9.2003 and also Notification Nos. 3787 dated 12.9.2003, 3797 dated 12.9.2003 as contained in Annexure-9 to the writ petition and the matter was remanded back to the authority concerned to consider the matter strictly in accordance with law.
3. The grievance of the petitioner is that in spite of the above facts, the respondents are not issuing formal consequential orders, causing hardship to the petitioner in discharging his official duties.
4. Other grievance of the petitioner is that the petitioner is not being paid his salary though the authority slip has already been issued by the Accountant General, Bihar,
5. It is stated that a representation has already filed by the petitioner on

24.3.2004 before the Secretary-cum-Commissioner of the Department but no order has been passed as yet.

6. In the facts and circumstances of the case, this application is being disposed of with direction to the Commissioner-cum-Secretary. Drinking Water and Sanitation Division (Former PHED). Nepal House. Doranda, Ranch! to consider the representation dated 24,3.2004 of the petitioner in accordance with law and pass an appropriate order within a period of four weeks from the date of receipt/production of a copy of this order.

7. It goes without saying that consequent to the order of the Division Bench the petitioner shall be entitled to the current salary.

Application disposed of with direction.