

(2007) 08 JH CK 0082
In the Jharkhand High Court

Om Prakash Singh and Mahendra Ram	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 02-08-2007

Acts Referred:

Citation : (2008) 1 JCR 368

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

Bench : Single Bench

Judgement

R.K. Merathia, J.—It is submitted on behalf of the petitioner that these cases are fully covered by the judgment dated 1.3.2007, passed in W.P. (S) No. 2848 of 2006-Amarendra Kumar and others and analogous cases. It is further submitted that the State filed Letters Patent Appeal against the said judgment but the same was also dismissed on 17.7.2007 being L.P.A. No. 139 of 2007- State of Jharkhand and Ors. v. Amarendra Kumar and Ors. and analogous cases.

2. Mr. Jhunjhunwala, appearing for the State, submitted that in view of the Constitution Bench judgment in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , and other judgments, the illegally appointees were rightly terminated after issuing notices to them and considering their replies.

3. It appears that such submissions were considered by the learned single Judge in the said case of Amarendra Kumar (supra) which has been affirmed in the said LPA No. 139 of 2007. However, the following observation has been made by the Division Bench in the said L.P.A.

However, before parting with the order, we observe that the impugned judgment will not come in the way of the appellants to proceed in accordance with the law if they so desire and if there are sufficient reasons to proceed. At the same time, we are constrained to observe that some of the employees have been allocated Bihar Cadre and some of them have been allocated Jharkhand Cadre and there shall be anomalous situation when action is taken only against the employees

who have been placed in Jharkhand Cadre. The appellants shall also take into consideration this aspect of the matter in the event they desire to proceed in accordance with the law. Needless to say that in the event, appellants take any action against the respondents, they shall have a right to approach this Court against the order

4. Accordingly, the judgment dated 1.3.2007, passed in W.P. (S) No. 2848 of 2006-Amarendra Kumar and others and analogous cases and the order dated 17.7.2007 passed in the said LPA No. 139 of 2007 State of Jharkhand and Ors. and analogous cases v. Amarendra Kumar and Ors. will also apply in these cases.

With these observations and directions, these writ petitions are disposed of.