
(2013) 04 JH CK 0160
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3460 of 2006

Philip Barjo

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-04-2013

Acts Referred:

Citation : (2013) 3 JLJR 38

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Parweej A. Khan, for the Appellant; Anoop Kumar Mehta, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner is seeking reinstatement in service on the substantive post of lecturer in the department of history in Workers College, Jamshedpur on which post, according to him, he was granted permanent status by confirmation of service vide Ranchi University Memo No. B/1542/84 dated 27.04.1984.

2. The petitioner was appointed as lecturer in the department of history in Tata College Chaibasa on 02.01.1973 and his services were absorbed under 24 months statute and was transferred to Workers College, Jamshedpur from Tata College Chaibasa in 1978. The petitioner was granted leave with lien for two years w.e.f. 30.08.1984 enabling him to join his new assignment as temporary Principal of A.J.K. Mahavidyalaya, Mango, Jamshedpur. His lien was extended for further period of one year up to 29.08.1987. The petitioner continued to work as principal in the said college without prior permission or extension of lien from the Ranchi University, Ranchi. The petitioner remained absent from 29.08.1987 for about 13 years and a show cause notice was issued to the petitioner vide Memo No. B/5571-76 in the year 2000 to submit his reply. He prayed for treating his absence from duty as extraordinary leave in special circumstances. The matter was placed before the Syndicate of University, which declined to allow the

request on account of his long absence for about 13 years from service of the University vide Resolution No. 44 of 2005. According to the respondents, it is the discretion of the University to grant or refuse extraordinary leave and they have, after due application of mind, come to a conclusion that long interruption of the petitioner in service amounts to forfeiture of his past service. The petitioner had earlier approached this Court in the year 2005 in W.P.(S) No. 4762 of 2005 whereunder the respondents were directed to consider and take a decision within stipulated period.

3. Thereafter, the Syndicate of the University vide decision dated 19.11.2005 again considered and rejected the representation of the petitioner for such reinstatement, which was duly communicated to him vide order dated 16.02.2006 issued by the Registrar, Ranchi University, Ranchi. The said decision is part of the supplementary affidavit filed on behalf of the petitioner, which has not been challenged.

4. From the facts, which have been narrated hereinabove and apparent from the pleading, the petitioner himself has chosen to sit over the matter for considerable length of time for about 13 years from 1987 to 2000. He never sought an extension of his lien, which was granted only for a period of three years and obviously has remained away from employment of the respondent-University for all these years. The Syndicate after considering the representation of the petitioner, found that such long absence of duty amounts to forfeiture of service of employee concerned. In these circumstances, therefore, this writ application is devoid of merit and is, accordingly, dismissed. I.A. No. 1847 of 2008 stands disposed of.