

(2002) 03 JH CK 0095
In the Jharkhand High Court
Case No : C.W.J.C. No. 3171 of 2000

Pradeep Kumar Sahu and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 04-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0095

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

Bench : Single Bench

Advocate : Prabhash Kumar, for the Appellant; G.P.I., for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—The petitioners were appointed as Dalpati/Panchayat Sewak by different orders issued in the year 1996-97 by the District Panchayat Raj Officer. Ranchi.

2. While they were working, the District Panchayat Raj Officer, Ranchi issued impugned order No. 27/(1) dated 27th December, 1999 and cancelled their appointments giving reference of a letter No. 164 dated 9th February, 1998, as was Issued by the Commissioner and Secretary, Rural Development Department, Bihar, Patna.

3. By the aforesaid letter, the Government of Bihar asked to terminate the services of Dalpati/Panchayat Sewak appointed after 23rd August, 1993 on the ground that the posts were abolished on promulgation of Bihar Panchayat Raj Act, 1993.

4. The issue as to whether the Bihar Panchayat Raj Act, 1993 will be applicable to schedule areas or not, fell for consideration before a Division Bench of Patna High Court in the case of Basudeo Besra v. Union of India, CWJC No. 8262 of 1995. The Court, vide its judgment dated 27th December, 1995, held that the Bihar Panchayat Raj Act, 1993 shall not apply to schedule area including the

district of Ranchi.

5. In view of aforesaid judgment that the Bihar Panchayat Raj Act. 1993 was not applicable in the district of Ranchi, the ground shown in the order dated 22nd December, 1999 being illegal, the said order is set aside.

6. The petitioners stand reinstated with back wages.

7. The writ petition is allowed.