

(2005) 03 JH CK 0034

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3420 of 2003

Raja Ram Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 15-03-2005

Acts Referred:

Citation : (2005) 2 JCR 591

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Sunil Kumar Sinha, for the Appellant; G.A., for the Respondent

Judgement

N.N. Tiwari, J.—In this writ application the petitioner has prayed for a direction to the respondents to make necessary entries in the Service Book of the petitioner in order to enable him to get the benefit of increment in his salary.

2. The petitioner's further prayer is for a direction for granting him annual increments in salary since 11.4.19985, when the petitioner was appointed in Regular Establishment from Work Charge Establishment and to make payment of the arrears of difference of pay calculated after additions of all the increments payable to the petitioner.

3. When this case was taken up on 22.7.2003 the State Counsel had prayed for six weeks time to file counter-affidavit. Thereafter on 14.2.2005 when this case was again taken up, the same prayer was repeated by the State-Counsel and this time the State-Counsel was granted three weeks time to obtain instructions and file counter-affidavit. In spite of the same, no counter-affidavit has been filed till date.

4. When this case is taken up today the learned Government Advocate appearing on behalf of the respondents again prayed for time. From the said attitude it appears that they are not diligent in filing their counter-affidavit. No further time is thus granted to the State-respondent and this writ application is being disposed of after hearing the parties.

5. The claim of the petitioner is that he was initially appointed as a Pump Khalasi in the Work Charge Establishment on 11.4.1975. Thereafter the petitioner was given promotion to the post of Pump Operator in the same Establishment by Office Order No. 45, dated 28.2.1981 w.e.f. 1.3.1981. The petitioner was then appointed in Regular Establishment on the post of Pump Operator w.e.f. 11.4.1985. The Executive Engineer, Public Health Mechanical Division, Jamshedpur by his letter No. 1297, dated 31.12.1990 opened Service Book of the petitioner and sent the same to the respondent No. 4 (Executive Engineer, Public Health Engineering Division, Adityapur, Jamshedpur, District-Seraikella, Kharsawan) for necessary entries and to return the same. But even after lapse of about a decade no such entry was made and the Service Book was returned without proper entry. The said Service Book was again sent to the respondent No. 4 for necessary entries by Memo No. 123, dated 5.2.2000 but the same even after lapse of several years has not been returned. The grievance of the petitioner is that in absence of the required entries in the Service Book he is not getting increments which he is entitled to get w.e.f. 11.4.1985. The petitioner is also not getting the benefit of the Pay Revision as his pay is to be fixed only on the basis of the said entries in the Service Book. The petitioner has annexed several representations, to demonstrate that in spite of his repeated requests and representations, the required entries have not been made in the Service Book and the same has not been returned by the Executive Engineer, Public Health Mechanical Division, Jamshedpur.

6. As there is no denial of the said fact stated by the petitioner, the facts stated in the writ petition are prima facie accepted and this order is being passed.

7. Since the Executive Engineer, Public Health Engineering Division, Adityapur, Jamshedpur, District-Seraikella, Kharaswan has been still sitting over the matter, he is directed to make all necessary entries in the Service Book of the petitioner and to return the same to the respondent No. 3 (Executive Engineer, Public Health Engineering Division (Mechanical), Jamshedpur, District-Singhbhum (East)) within a period of one month from the date of receipt/production of a copy of this order. Respondent No. 3 thereafter will issue necessary order and make all arrangements to make payment of the arrears of difference of pay admissible to the petitioner after additions of his increments and also take all steps for fixation of the petitioner's pay scale on the basis of the said increment(s) as well as on the basis of the revised scale admissible to the petitioner, within a period of two months thereafter.

8. This writ petition is accordingly disposed of. Petition disposed of.