

(2006) 11 JH CK 0057
In the Jharkhand High Court

Rajendra Mahto

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-11-2006

Acts Referred:

Citation : (2007) 2 JCR 160

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—Petitioner came to be engaged as a Driver on 16th October, 2003. It is alleged that his engagement was extended from 1.4.2004 to 31st December, 2004 by the State Leprosy Eradication Officer, Jharkhand. His service was again extended from 1.1.2005 to 31st December, 2005. According to the petitioner, he has performed his duties regularly during this period. He has relied upon a Logbook i.e. Annexure-7 with the rejoinder to establish that he was working from April 2005 to 31st August 2005. However, in Para 10 of the writ application, he has claimed his arrears of salary from April, 2005 to December, 2005 on the ground that he has performed duties with the Respondent No. 3 from October to December 2005.

2. In the counter-affidavit filed, the claim of the petitioner is disputed and it is stated that petitioner was absent from duty since 15th of March 2005 without any prior information or approval of the competent authority and hence, is not entitled to any salary from April to December 2005 as claimed.

3. In the rejoinder filed, petitioner has reiterated the stand in the writ application and has also placed on record the Log-Book as mentioned above. This writ application involves disputed questions of facts.

4. However, this petition is disposed of with a direction to the Respondent No. 2 to nominate a senior officer in the State Leprosy Eradication Department to hold an enquiry in regard to the working of the petitioner during the period in question i.e. from April to December 2005 and if on enquiry it is established and

Respondent No. 2 is satisfied that the petitioner had actually performed the duties, his permissible dues be released. Let the enquiry be held within a period of three months from the date of receipt of a copy of this order and appropriate order be passed thereafter.