

(2013) 05 JH CK 0018

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6423 of 2012

Raju Kumar Mehatar

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-05-2013

Acts Referred:

Citation : (2013) 3 AJR 316

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : P.K. Choudhary, for the Appellant;

Final Decision : Dismissed

Judgement

Narendra Nath Tiwari, J.—In the petition, the petitioner has sought a direction on the respondents to pay the arrears of salary from 10-06-2010 to 12-08-2010 and from 15-9-2010 to 09-06-2011 with statutory interest. It has been submitted that though the petitioner had worked during the said periods, as casual worker and is entitled to get wages, the same has not been paid to the petitioner till date.

2. Learned J.C. to S.C. II, appearing on behalf of the respondents, opposed the writ petition and submitted that for the same prayer, he had earlier moved this Court in W.P. (S) No. 2307 of 2011. The said writ petition was disposed of giving liberty to the petitioner to approach the Chairman, Nagar Panchayat, Godda and produce the evidence. The said respondent was directed to decide the petitioner's claim. Accordingly, the petitioner had filed representation. The respondent enquired into the petitioner's claim and passed order dated 17-10-2011 rejecting his claim. The petitioner has challenged the said finding of fact in the writ petition. Such factual controversy cannot be decided in writ jurisdiction of this Court. The writ petition is not maintainable and is liable to be dismissed in limine.

3. Heard learned counsel for the parties and perused the records.

4. By order dated 27-7-2011 passed in W.P. (S) No. 2307 of 2011, the petitioner was given liberty to make his claim before the Chairman, Nagar Panchayat, Godda and produce the evidence of attending and discharging his duties. The petitioner made the said claim before the said Chairman, who after considering all the facts and materials on record, has come to the finding that the petitioner failed to prove that he had continuously worked during the said period. He is, thus, not entitled for the wages of the entire period. He found that the petitioner had worked during the period from 13-8-2010 to 14-9-2010 and thereafter from 10-6-2011 up to the date and directed for payment of wages of the said period.

5. The petitioner has challenged the said finding of fact of the respondent raising factual controversies and disputed claim, which cannot be adjudicated upon and decided in writ jurisdiction of this Court.

6. This writ petition is, accordingly, dismissed. However, the petitioner is at liberty to approach the appropriate Forum for his said grievance.