
(2004) 05 JH CK 0057

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4293 of 2003

Ram Naresh Jha (Dr.)

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 208

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : V.P. Singh, Sat Prakash and Shalini Jha, for the Appellant; Shamim Akhtar, S.C.-II for Respondent No. 5 and S.P. Roy, for the Respondent

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. Dispute relates the payment of salary to the petitioner for the periods November, 2002, to August, 2003.

3. The fact of this case lies in a very narrow compass. In August, 2001 petitioner was transferred to Koderma Block as Animal Husbandry Officer where he joined on 6.8.2001. By notification dated 21.8.2002, petitioner was transferred from Koderma to Bhandriya Block in the district of Garhwa. Against the order of transfer the petitioner filed representation but in the meantime, petitioner was relieved from Koderma for joining at the transfer place of posting on 30.10.2002. Thereafter the order of transfer dated 21.8.2002, was stayed by notification dated 31.8.2002. Consequently by letter dated 4.1.2003, the respondent informed the petitioner about the stay of the transfer order and asked him to join in the earlier place of posting. The petitioner's case on the one hand is that after the order of transfer he did not hand over the charge on the basis of unilateral relieving order issued by the respondent nor join transfer place of posting. On the contrary, after the transfer order was stayed he is continuing in the same post on Koderma. While on the other hand the contention of the respondent is that pursuant to the transfer order the petitioner was relieved and after the order

of the stay vide notification dated 31.12.2002, petitioner was informed to take over charge from the incharge, Block Animal Husbandry Officer, Koderma. The Deputy Commissioner further directed Block Development Officer to call for the last pay-slip of the petitioner which had also been sent to Bhandriya Block. Further contention of the respondent is that the petitioner neither took over the charge till date nor he is performing his official duties at Koderma.

4. The disputed facts that fall for the consideration is whether before and after the order of stay issued by the respondent the petitioner did in fact, render his services as Animal Husbandry Officer, Koderma and whether he is entitled to get his salary for the periods of his relieve from Koderma till the notification issued by the Government staying the order of transfer. In my opinion, this matter needs consideration by respondent No. 2 the Secretary, Department of Animal Husbandry, Government of Jharkhand, Ranchi. Needless to say that if in fact petitioner renders services at Koderma before the notification staying the transfer order was issued then certainly is entitled to get salary. The Secretary, Department of Animal Husbandry Government of Jharkhand, therefore, shall consider the entire facts and the claim made by the petitioner and take a final decision after giving opportunity of hearing to the petitioner as also to the authorities posted at Koderma. The Secretary shall be settled the claim by passing a reasoned order within a period of two months from the date of a copy of this order.

He worked at Koderma or any other place on assignment.