

(2002) 03 JH CK 0102
In the Jharkhand High Court
Case No : C.W.J.C. No. 3845 of 2000

Ram Naresh Prasad and Another	Vs	APPELLANT
Vinoba Bhave University and Others		RESPONDENT

Date of Decision : 07-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0102

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

Bench : Single Bench

Advocate : V.P. Singh, A.K. Sinha, Sat Prakash and Shalini Jha, for the Appellant; I. Sen Choudhary, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioners Ram Naresh Prasad and Manikant Prasad Singh for direction on the Respondents to release and pay the arrears of salary from 17th November, 1997, the date from which the services of the petitioners have been regularised.

2. Further prayer has been made for payment of salary to which the petitioners are entitled from November, 1998 onwards.

3. According to the petitioners, they were appointed as the Lab-Boy and Gas Man respectively in the Department of Chemistry. B.S.K. College, Maithon, a constituent unit of Vinoba Bhave University. Though, they were appointed after following the procedure in the year 1984, but their services were not regularised, in the background, the petitioners had to move this Court in C.W.J.C. No. 3739/95(R), wherein the Court, vide order dated 17th March, 1998 directed the authorities to consider the cases of petitioners for regularisation of their services. Thereafter, the Respondents considered the case of petitioners and vide University's Notification contained in Memo No. 11314-11320/98 dated 14th/15th October, 1998, the services of petitioners were regularised w.e.f. 17th November, 1997 in the prescribed scale by the order of the Vice Chancellor of Vinoba Bhave University.

4. No counter-affidavit has been filed on behalf of the University.

5. Mrs. I. Sen Choudhury, the Counsel for the Respondents University prays for some more time to seek instructions, but such prayer is rejected as about 1 1/2 years have passed when time was allowed to the University. i.e. on 9.11.2000 to obtain instructions and file counter affidavit.

6. Having regard to the facts and circumstances, the case is remitted to the Vice Chancellor. Vinoba Bhave University who will enquire into the matter and if it is found that the services of the petitioners were regularised w.e.f. 17th November, 1997, vide Notification dated 14th/15th October, 1998, as referred above, the University will pay salary in favour of petitioners in the regular scale w.e.f. 17th November, 1997 for which period the petitioners had actually worked and performed duties including the current salary.

7. If there is paucity of fund, the University will make appropriate requisition from the State for compliance of the Court's order.

8. On the other hand, if the Respondents reject the claim for one or other ground, will communicate the grounds to the petitioner.

9. The Registrar of the University will ensure compliance of this order within three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

Let a copy of this order be handed over to Mrs. I. Sen Choudhary.