
(2002) 08 JH CK 0098
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4012 of 2002

Ramesh Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-08-2002

Acts Referred:

Citation : (2002) 08 JH CK 0098

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

Bench : Single Bench

Advocate : Sheela Prasad, for the Appellant; G.P. II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—In this case the petitioner want to come back to his original place of posting as Block Agriculture Officer at Dumka.

2. According to petitioner he was posted as Block Agriculture Officer, Dumka and was transferred by Order No. 1313 dated 31st December, 2001 as Block Agriculture Officer, Burmu (Ranchi), one Paras Nath Singh, who was Block Agriculture Officer of Burmu (Ranchi) was transferred in his place at Dumka.

3. Further case of petitioner is that in pursuance of direction of Joint Election Commissioner, State Election Commission vide Memo No. 86 dated 21st of January 2002 directed not to transfer in view of ensuing Panchayat Elections. In the light of the direction of State Election Commission Parash Nath Singh, Block Agriculture Officer, Burmu (Ranchi) in whose place the petitioner was transferred, was not relieved from Burmu. However, the petitioner, in the mean time, was relieved from Dumka to join at Burmu. As at Burmu Parash Nath Singh was already working and was not relieved because of direction of State Election commission the matter was brought to the notice of the Director of Agriculture, Ranchi who vide letter No. 622 dated 29th April, 2002 allowed Parash Nath Singh to continue at Burmu and petitioner at Dumka in the light of aforesaid order dated 29th April, 2002 though the petitioner again reported at Dumka but the BDO is not accepting his joining.

4. As suggested by the counsel for the State and as the matter relates to joining and requires determination by authorities, the case is remitted to the BDO, Dumka to determine the question of acceptance of joining of petitioner within 15 days from the date of receipt/production of the copy of this order.
5. In case the joining is not accepted the BDO Dumka will communicate the ground within aforesaid period of 15 days.
6. Further, the salary of the petitioner cannot be withheld for the period if reported to join the other post but his joining was not accepted.
7. The writ petition stands disposed of with aforesaid observations and directions.