
(2011) 07 JH CK 0110

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2261 of 2011

Rameshwar Sharma and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0110

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioners have prayed for a direction on the Respondents to pay the arrears of salary from the date of their termination i.e. 20th September, 1999 till reinstatement.

2. It has been stated that the Petitioners were engaged as Drivers on work charge basis in Subarnrekha Multipurpose Project on different dates. Subsequently, their services were terminated. The termination order was challenged through the association in CWJC No. 3194 of 1999(R). The order of termination was quashed and the said writ application was allowed. The drivers, who were terminated, were reinstated by the order of the department dated 8th January, 2004. In spite of their reinstatement, the Petitioners were not paid their salary from the date of their termination till reinstatement. The salary of other similarly situated persons was also denied. Out of them some persons had approached this Court in W.P. (S) No. 6484 of 2006. This Court disposed of the said writ petition, directing the Respondents to consider the Petitioners' claim and pass appropriate order. The concerned authority considered their claim and passed order for payment of salary to them for the said period.

3. The grievance of the Petitioners is that though they are also similarly situated, in spite of their repeated requests and representations, the arrears of salary for the said period have not been paid to them.

4. Learned J.C. to Sr. S.C.I, appearing on behalf of the Respondents, submitted

that the Secretary, Water Resources Department, Government of Jharkhand, is the competent authority to consider the Petitioners' claim/grievance and if any representation is still pending or if they file fresh representation, the same shall be considered and appropriate order shall be passed.

5. Considering the said submissions, this writ petition is disposed of, giving liberty to the Petitioners to file fresh representation, along with a copy of this order, before the Secretary, Water Resources Department, Government of Jharkhand Respondent No. 2. On receipt of the representation, the said Respondent shall consider the same, taking into consideration the order passed by the Department in the matter of similarly situated persons, and pass appropriate order, in accordance with law, within two months from the date of receipt of the representation.

6. If the Petitioners are found entitled to get the arrears of salary, as claimed by them, the admitted amount shall be paid to them within six weeks thereafter.