
(2011) 01 JH CK 0004

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5491 of 2008

Ramjagi Singh @ Ramjangi Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Citation : (2011) 01 JH CK 0004

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for a direction on the Respondents to pay his arrear of salary for the period from February, 1989 to the date of his retirement.

2. It has been stated that the Petitioner was Paid Manager in the office of District Cooperative Officer, Palamau at Daltonganj and was posted in Hariharganj Block. During his service period, he was entitled to get his salary, but the Respondents did not release the same on the pretext of no availability of fund. It has been submitted that from time to time payment has been made to the Petitioner, but his total arrear of salary has not been paid till date.

3. Learned Counsel appearing on behalf of the Respondent No. 3, on the other hand, submitted that the Petitioner was not the employee of the Cooperative Bank, he was an employee of the District Cadre Society. The Central Cooperative Bank under which the Petitioner was working has gone in liquidation and the District Cooperative Officer is the Assistant Liquidator. In that capacity, the amount towards the Petitioner's salary has been released after getting the grant for the said purpose from the State Government.

4. Learned G.P. IV, appearing on behalf of the State, submitted that the Petitioner was not the employee of the State Government and, in fact, the State Government has no liability for payment of his salary. However, grants have been given to the different Cooperative Societies and out of that grant, as informed,

some payment has also been made to the Petitioner.

5. Learned G.P. IV submitted that the liability for payment would be on the employer and as such the State Government is not bound to clear the dues of the Petitioner.

6. In view of the said divergent contentions, it is not clear as to who is responsible for clearing the dues of the Petitioner.

7. However, it is admitted position that the State Government has given some grant for payment of salary to the Paid Managers and that the District Cooperative Officers Assistant Liquidator has paid the said amount to the Petitioner even during the pendency of this writ petition.

8. It has been informed that the Registrar, Cooperative Society has released some fund and will release further fund for payment of salary.

9. In view of the above, this writ petition is disposed of, giving liberty to the Petitioner to raise his claim before the Registrar, Cooperative Society for his remaining dues. On receipt of the Petitioner's claim/representation, the Registrar, Cooperative Society shall consider the same and pass reasoned order in accordance with law within a period of two months from the date of receipt of the claim/representation.

10. If the Petitioner is found entitled to get the amount claimed by him, the same shall be paid to the Petitioner within a period of two months thereafter.