

(2004) 05 JH CK 0055
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3013 of 2002

Rit Lal Yadav

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 600

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Nilendu Kumar, for the Appellant; Shamim Akhtar, SC II, for the Respondent

Final Decision : Allowed

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The prayer of the petitioner in this writ application is for direction to the respondents to provide him appointment letter of the post of Panchayat Sewak from the date he joined the training institute i.e. on 1.12.1999 and to pay him salary from the said date.

3. The petitioner had earlier moved before Patna High Court in C.W.J.C. No. 8654/1996 which was disposed of by order dated 2.9.1997 as contained in Annexure-4 to the present writ application. On perusal of the said order it appears that the petitioner made grievance that though he was senior to the respondent No. 6, namely, Purnanand Sah, in the final gradation list, but he was not appointed as Panchayat Sewak, while the respondent No. 6 Purnanad Sah was appointed to the said post though he was junior to him.

4. The Patna High Court while disposing of the writ application had directed the petitioner to agitate his grievance by making representation before the Deputy Commissioner, Godda and the Deputy Commissioner, Godda was directed to examine the grievance of the petitioner and pass an appropriate order in

accordance with law.

5. Pursuant to the said order, the Deputy Commissioner, Godda passed an order dated 4.4.1998 after considering in detail about the claim of the petitioner and recommended the case of the petitioner for his appointment to the post of Panchayat Sewak vide order dated 4.4.1998 (Annexure-5).

6. It appears that by issuance of Annexure-7 dated 18.6.1999 the age bar of the petitioner was also relaxed.

7. The grievance of the petitioner is that though after completion of the training he went to join and he gave his joining on 28.2.2000, but he has not been posted as Panchayat Sewak.

8. Learned counsel for the petitioner has relied on the order passed by the Patna High Court in several similar writ applications, which have been annexed as Annexures-12, 13 and 14 to this writ application.

9. On the other hand, the learned counsel for the State submitted that after bifurcation of the State since there was no roster clearance and, therefore, the petitioner could not be appointed to the post of Panchayat Sewak.

10. Having heard the parties and considering the respective submissions, I hold that the petitioner is entitled to appointment to the post of Panchayat Sewak in view of the clear finding of the Deputy Commissioner, Godda that the person junior to the petitioner was appointed as Panchayat Sewak ignoring the claim of the petitioner.

11. Accordingly, this application is allowed. The respondents are hereby directed to issue appointment letter to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.