
(2015) 09 JH CK 0028
In the Jharkhand High Court
Case No : W.P. (S) No. 1150 of 2014

Satrughan Jha

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 07-09-2015

Acts Referred:

Citation : (2015) 4 JLJR 91

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Chandra Kant Singhania, for the Appellant; Arvind Kumar, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. Petitioner was appointed on Class-IV post on compassionate ground vide order dated 25.11.1992 bearing memo No. 928 passed by the Deputy Director, Welfare Department, South Chotanagpur Division, Ranchi. Petitioner came with a grievance before Patna High Court in C.W.J.C. No. 1103 of 1995(R) claiming appointment on Class-III post stating that he was fully eligible for the same. Pursuant to consideration of the petitioner's case, the writ petition was disposed of with a direction to the respondents to consider the petitioner's case for absorption against vacant post in Class-III cadre. Vide order dated 10.2.1998, Annexure-6, in deference to the Court order, petitioner was appointed on provisional basis on a Class-III post of clerk and posted under District Welfare Officer, West Singhbhum, Chaibasa in the scale of Rs. 1,200-1,800/-. It was also indicated therein that it could be subject to the outcome of the Letters Patent Appeal, which respondents were considering to prefer against the judgment passed by the learned Single Judge. Other eligibility conditions for Class-III post were also required to be verified. Petitioner pursued the matter further in MJC No. 628 of 1998(R) as he was getting salary of Class-IV post. That application got dismissed as it was submitted by the petitioner that he had been appointed

as a Clerk vide order dated 10.2.1998. Petitioner again preferred another writ petition being C.W.J.C. No. 3402 of 1999(R) stating that Director, Welfare was not accepting his joining. Pursuant to observation made in the said writ petition, petitioner was allowed to join on Class-III post. The writ petition was disposed of accordingly vide order dated 31.5.2001, Annexure-10. Petitioner has also been paid arrears of salary from 1.6.1999 to 10.5.2001 amounting to Rs. 1,35,193/- in compliance of the order passed in the said writ petition dated 31.5.2001 by the District Welfare Officer, West Singhbhum, Chaibasa Vide memo No. 603 dated 28.3.2003.

2. Grievance of the petitioner in the present writ petition, in the aforesaid chronology of facts, is in relation to his claim for arrears of salary from the date of his joining on Grade-IV post in the year 1992 in the scale of pay of Grade-III post. Such a claim is not tenable in law as petitioner worked as Class-IV employee since 1992 and has been appointed on Class-III post vide Annexure-6 dated 10.2.1998 only. The respondents have, later on, made payment of arrears of salary of Class-III post to the petitioner. The claim for payment of arrears of salary of Class-III post from the date of his joining on Class-IV post cannot be allowed. In such circumstances, the writ petition is dismissed.