
(2011) 08 JH CK 0098

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2709 of 2011

Shashi Shekhar Prasad

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0098

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel, J.—Counsel for the petitioner submitted that the petitioner is senior most in the cadre of Inspector in the Excise Department in the State of Jharkhand and he was appointed in the said Department in the year 1989 and is working honestly, sincerely, diligently and to the satisfaction of the respondents.

2. In pursuance of Circular of Personnel, Administrative Reforms and Rajbhasha Department vide Department Letter No. 7/V.V.R.-06/2004 Ka.-442/Ranchi dated 25th January, 2006, issued by the State of Jharkhand, senior most person should be made In-charge of superior post and in the facts and circumstances of the present case, the post of Assistant Commissioner of Excise of respondent-State, since its bifurcation in the year 2000, has never been fulfilled on regular basis. The post of Assistant Commissioner of Excise always has a good gesture of favouritism and nepotism. The State of Jharkhand is appointing another person in the post of Inspector other than the senior most in the said cadre.

3. Counsel appearing for the respondents seeks time to file counter affidavit.

4. Despite a copy of this writ petition received in the month of May, 2011 in the office of the learned Advocate General of the State of Jharkhand at High Court, the respondents have not filed any counter affidavit. I, therefore, direct respondent no. 2 to file counter affidavit on or before the next date of hearing, failing which, he shall remain personally present before this Court on the next date of hearing at 10.30 a.m. In the affidavit to be filed by respondent no. 2, it

will be mentioned that in what least possible time the post of Assistant Commissioner of Excise shall be filled-up by regular appointment, if not filled-up on regular basis sofar.

5. I hereby also direct the Chief Secretary, State of Jharkhand to look into the matter personally, since not less than in a dozen writ petitions, directions have been given by this Court to the Chief Secretary, Government of Jharkhand not to appoint in-charge person on regular post of the State of Jharkhand. In the facts and circumstances of the present case and as per the allegations, since the bifurcation of the State in the year 2000, the post of Assistant Excise Commissioner has never been regularly filled-up and adhocism or inchargeship is going on which tantamounts to favouritism and nepotism by the high ranking officials of the State of Jharkhand. As far as possible, the said situation should have been avoided which creates dis-satisfaction in the senior most persons working in the cadre. It is expected from the Chief Secretary of the State that the aforesaid post in the Excise Department be filled-up at the earlist. Enough is enough. Time of eleven years have elapsed. The post of Assistant Commissioner of Excise ought to have been regularly filled-up in stead of filling-up of the post by junior persons giving incharge-ship.

6. Registry of this Court is directed to send a copy of this order to the Chief Secretary to the State of Jharkhand.

7. The matter is adjourned on 29.8.2011.