(2006) 07 JH CK 0024

In the Jharkhand High Court

Sheikh Alam and Others — APPELLANT

Vs

Union of India (UOI) and Others — RESPONDENT

Date of Decision : 25-07-2006

Acts Referred:

Citation : (2007) 1 JCR 121

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—Vide Order dated 3 1st March, 2004, Accountant General was directed to inform the Court, whether the amount of Rs. 5,28,000/-, said to be paid by the State of Bihar to the State of Jharkhand, was deposited in the account of Government of Jharkhand.

2. Accountant General has filed a detailed affidavit stating therein that no amount has been deposited in the account of State of Jharkhand. It is also revealed from the affidavit of the Accountant General that the Central Government had approved on expenditure of Rs. 1,21,15.200/- in principal, in favour of the combined State of Bihar for incurring expenditure under the scheme for Madarsas of unified State of Bihar. However, due to lack of fund, only a sum of Rs. 47.44,551/- was sanctioned during the year 1999-2000. as grants-in-aid. It is further revealed that alter reorganisation of State of Bihar and creation of State of Jharkhand. the Government of Bihar surrendered a sum of Rs. 5,27,947/- out of the said sanctioned amount of Rs. 47,44,551 /- from the budgetary head of the then Slate of Bihar, as per allocation, and communicated the Accountant General (A&E). Jharkhand, Ranchi. vide letter dated 31st March, 2002. However, this surrender was without actual refund of the money to the concerned Ministry of Government of India or actual deposit of the money with the State of Jharkhand directly by the State of Bihar by adjustment through Reserve Bank Deposit of the respective States.

3. In view of the above statement of the Accountant General, it appears, that the stand of the State of Bihar, that the amount of Rs. 5,28,000/- was paid to the

State of Jharkhand, has no valid basis. Even Accountant General has asked the State of Bihar vide letter dated 19th April, 2004 to intimate the mode of deposit of the surrendered amount. However, nothing has been shown even to the Accountant General.

4. In view of the categorical stand of the Accountant General, it appears that allocated amount of the disposal of unified State of Bihar to meet expenditure under the scheme has not been utilized for the purpose. As a result, petitioners have not been paid their salary. This Court has already observed seriousness of the matter and in view of the affidavit of the Accountant General, it becomes more serious.

5. A copy of the affidavit filed on behalf of Accountant General shall be served to the learned Counsel appearing for the State of Bihar within two days.

6. Let State of Bihar file its fresh affidavit before the next date of hearing in view of the averments made in the affidavit of Accountant General, giving all details including the mode and manner of surrender of amount, the evidence to show deposit/ surrender with any authority of the Government of India, State of Jharkhand or Reserve Bank of India.

7. In the meanwhile State of Bihar shall place an amount of Rs. 5,00.000/- at the disposal of State of Jharkhand within two weeks, failing which the Finance Secretary of the State of Bihar shall appear before the Court in person on the next date of hearing. This deposit of Rs. 5,00,000/- shall be subject to adjustment/refund at the lime of final disposal of writ petition.

8. A copy of this order be made available to Sri S.P. Roy, counsel appearing for the State of Bihar, through registry by tomorrow to enable him to secure compliance of this order.