

**(2011) 05 JH CK 0043**

**In the Jharkhand High Court**

**Case No :** Cont. Case (Civil) No. 698 of 2010 (Arising out of L.P.A. No. 365 of 2008)

Smt. Siya Devi

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

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**Date of Decision :** 06-05-2011

**Acts Referred:**

**Citation :** (2011) 05 JH CK 0043

**Hon'ble Judges :** R.K. Merathia, J;Prakash Tatia, J

**Bench :** Division Bench

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**Judgement**

1. Heard learned Counsel for the parties on contempt petition.
2. The grievance of the Petitioner is that the Appellant was appointed in the year 1981 and she was paid a consolidated salary. According to the learned Counsel for the Appellant, after a number of rounds of litigations, a Division Bench of this Court vide order dated 23.10.2008 ordered that the Appellant is entitled to get benefit of a permanent employee and for the same she will be entitled to the benefit of a permanent employee for all intent and purpose.
3. According to the learned Counsel for the Petitioner because of this order, Appellant was entitled to regular salary from the date of her initial appointment.
4. Learned Counsel for the contemnor stated that the Appellant was given the status of a permanent employee and she has been paid salary of a permanent employee from 06.03.2008 to 30.3.2010. It is also submitted that thereafter, she is being paid the regular salary of a permanent employee.
5. It is further submitted that the order dated 23.10.2008 nowhere declares that the Petitioner will be entitled to the salary of a regular employee from the date of her initial appointment.
6. After going through the order dated 23.10.2008 and the order passed by the Division Bench in earlier contempt petition No. 392 of 2009 dated 25.03.2010

and after going through the facts of the case, we are of the considered view that the Petitioner's prayer for grant of permanent status with full salary from the date of her initial appointment has not been granted. It has been observed that since the Petitioner already served for more than 26 years, therefore, she is entitled to the status of a permanent employee.

7. In view of the above reasons, we do not find any ground to proceed further with this contempt petition. This contempt petition is accordingly disposed of and notices are discharged.

8. However, if the Petitioner has entitlement to any relief for her salary on any ground which cannot be decided in this contempt petition, the Petitioner may avail that remedy if available under law and if the Petitioner has any right.