
(2002) 05 JH CK 0065

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1477 of 2002

Sri Sushil Ignatius Minz

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-05-2002

Acts Referred:

Citation : (2002) 05 JH CK 0065

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Mihir Kr. Jha and K.K. Ojha, for the Appellant; Kalyan Roy and B.S. Lall, AAG, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner, Sri Sushil Ignatius Minx and 4th respondent. Bipin Bihari Singh both are members of State Mining Service and holding substantive post of District Mining Officer. The petitioner was given current charge of the post of Deputy Director of Mines in the year 1997 and the 4th respondent was given charge of the post of Deputy Director of Mines in the year 1999.

2. It appears that thereafter the respondent-State did not choose to fill up the post of Deputy Director of Mines on regular basis but issued a notification No. 2759 (M), dated 31.7.2000 whereby the 4th respondent was given charge of the post of Additional Director of Mines, Ranchi in addition to the charge of the post of Deputy Director of Mines.

3. The case of petitioner is that he is senior to 4th respondent. However, it is disputed by the counsel for the respondent No. 4 and the State.

4. The other ground as advanced on behalf of the petitioner is that the respondents are continuing with ad hoc arrangement for years together without taking steps to fill up the post on regular basis.

5. Mr. Mihir Kumar Jha, counsel for the petitioner submits that there are two

posts of Additional Director of Mines at Ranchi. The 4th respondent was given charge of one of the posts. In respect to second post of Additional Director of Mines, though certain recommendation made in favour of petitioner and accepted by the Government but notification to that effect has not yet been issued by the State.

6. On hearing the parties, as it appears that by notification No. 2759 (M), dated 31.7.2000, the respondents have merely made interim arrangement, this Court is not inclined to alter such interim arrangement by another interim arrangement. In fact, the respondents should fill up the post including the posts of Deputy Director of Mines, Additional Director of Mines and higher post on regular basis. If after creation of the State of Jharkhand. Public Service Commission is not functioning for one or other reason, the respondent should fill up the posts on regular basis or at least on ad hoc/officiating basis on the basis of recommendation of a departmental promotion committee.

7. In this background, the case is remitted to the respondent-State of Jharkhand with direction to fill up the posts of Deputy Director of Mines and Additional Director of Mines on regular basis or at least on ad hoc officiating basis within a period of four months from the date of receipt /production of a copy of this order.

8. In the meantime, if the State intends to make ad hoc arrangement for the post of Additional Director of Mines, Ranchi and the name of petitioner has been cleared, they may come out with appropriate notification of ad hoc arrangement in respect to petitioner, if there is no impediment, preferably within two weeks.

9. It may be mentioned that this Court has not determined the seniority vis-a-vis the petitioner and the 4th respondent, nor determined as to whether the petitioner is entitled for any advantage being a Scheduled Tribe or not.

The writ petition stands disposed of, with the aforesaid observations.