
(2001) 12 JH CK 0017

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2932 of 2001

Sudhakar Singh Sardar and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-12-2001

Acts Referred:

Citation : (2001) 12 JH CK 0017

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

Bench : Single Bench

Advocate : A.K. Kashyap, for the Appellant; Kaushalendra Pd., JC to SC, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—The petitioners have challenged the order contained in letter No. 245 dated 6th November 1998, issued by the Deputy Commissioner, East Singhbhum, Jamshedpur, whereby and whereunder, giving reference to letter of Commissioner-cum-Secretary, Rural Development Department (Directorate of Panchayat Raj), Patna, vide letter No. 164 dated 9th February, 1998, it has been mentioned that the State Government has declared the appointments of newly appointed Panchayat Sewaks as illegal and instruction has been sought for from the Government and till intimation is received from the Government, to stop payment of salary in favour of the Panchayat Sewaks including the petitioners. The main plea taken by the petitioners is that their appointment were made after following the procedure and as Bihar Panchayati Raj Act, 1993, is not applicable in the scheduled areas including the district of Singhbhum, the order dated 6th November, 1998 can not be given effect, having been issued on non est ground. Time was allowed to the respondents on 10th July, 2001 to file counter affidavit but they did not choose to file any such affidavit.

2. It appears that the same very letter dated 6th November, 1998 fell for consideration before this Court in the case of Pathak Kumbhkar and others v. The

State of Bihar and others, CWJC No. 3919/1999 R, wherein, this Court vide order dated 2nd May, 2001 set aside the order dated 6th November, 1998 and directed the Deputy Commissioner, East Singhbhum, Jamshedpur, to ensure payment of salary in favour of the petitioners of the said case, including the arrears. The case of the petitioners being similar to the petitioners, the impugned order dated 6th November, 1998 is set aside, so far as it relates to these petitioners, with a direction to the Deputy Commissioner, East Singhbhum, Jamshedpur, to ensure payment of admitted salary in favour of the petitioners, including arrears, if any, if not paid in view of the said order.

3. If any adverse decision is taken for one or other with respect to one or other petitioners (s), the Deputy Commissioner will forward the ground to such petitioner (s). The writ petition is allowed with the aforesaid observations and directions.