
(2009) 02 JH CK 0055
In the Jharkhand High Court

Sujauddin Ahmad and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-02-2009

Acts Referred:

Citation : (2009) 2 JCR 413

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel, J.—Learned Counsel appearing for the petitioners submitted that because of the dispute between the old management committee members and a new management committee members of the Maulana Azad College, Ranchi, the salary of the non-teaching staff, who are the petitioners, from the period running from November, 2006 to September, 2007 though it has been paid by the Government and though has been deposited in the bank account of the College, Ranchi is not being distributed by the Union Bank of India and is unnecessarily retaining this salary and, therefore, for distribution of the salary, the present petitioners prays for getting their salary from November, 2006 to September, 2007. It is not disputed that they have worked for this period.

2. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, it appears:

(a) that present petitioners are non-teaching staff of the Maulana Azad College, Ranchi. They have worked for the period running from November, 2006 to September, 2007.

(b) that for this period they are entitled for their salary. This salary has already been paid by the respondent-State and the salary amount has already been deposited in the bank account of Maulana Azad College, Ranchi, Union Bank of India, Saheed Chowk Branch, Ranchi.

(c) that despite this payment made by the Government and despite this deposition of this salary amount in the bank, it is not distributed to the

petitioners who are non-teaching staff of the Maulana Azad College, Ranchi only on the ground that there is some old dispute between the Managing Committee No. 1 and Managing Committee No. 2 and in view of the appeal case bearing A.C. (S.B.) No. 6 of 2007 pending before this Court as well as in view of the writ petition bearing WP (C) No. 2743 of 2008 pending before this Court.

(d) that there is no stay against the distribution of the salary to these non-teaching staff by any competent authority/Tribunal or Court.

3. In view of this fact and keeping in mind the fact that since long these non-teaching staff i.e. petitioners of the College is waiting for their salary and as their salary is already deposited in the bank account of the College, in hereby direct the respondent Nos. 1 to 5 that the salary of the present petitioners may be deposited in their respective bank accounts which are in the same bank i.e. Union Bank of India, Saheed Chowk Branch, Ranchi. It is submitted by the learned Counsel for the University that the respondent Nos. 1 to 5 might not be knowing the exact salary amount of each of the petitioner, therefore, I hereby appoint a Committee of the following four officers for the assistance:

(A) State:

(1) Shri Mukesh Kumar Sinha, Assistant Director, Higher Education, Department of HRD.

(2) Shri Ashutosh Prasad, Deputy Director, Higher Education, Department of HRD.

(B) Ranchi University:

(3) Shri S.S. Razi, Prof.-in-Charge, Worker's College, Jamshedpur and Member, Syndicate.

(4) Shri S.K. Prasad, Finance Officer, Ranchi University, Ranchi.

4. The aforesaid four officers will decide about the salary amount of each petitioner and that amount will be deposited in their respective bank accounts, after making necessary deductions like PPF, GPF amounts etc. permissible under the law from the bank account of the College, Ranchi. These petitioners are entitled for their salary from November, 2006 to September, 2007 and the aforesaid exercise will be completed by the Committee of aforesaid four officers as early as possible and practicable, preferably within a period of two weeks from the date of receipt of this order and upon fixation the amount towards arrears of each petitioners by the aforesaid Committee, they will communicate this amount to respondent Nos. 4 and 5 and upon receipt of such fixed amount for each petitioners, the said amount will be deposited as transferred by respondent Nos. 4 and 5 into bank account of the petitioners, by completing necessary bank procedure. All the respondents shall cooperate to complete this bank procedure for transfer of amount of salary to the bank account of petitioners.

5. The counsel appearing for petitioners shall inform all the respondents about their bank accounts and the petitioners shall cooperate in deciding the aforesaid

amount/salary and deductions etc.

6. The aforesaid arrangement is made tentatively in the distribution of accumulated salary with Union Bank of India, Saheed Chowk Branch, Ranchi for the period running from November," 2006 to September, 2007.

7. In view of the aforesaid directions, this writ petition is disposed of.