
(2013) 05 JH CK 0037
In the Jharkhand High Court
Case No : WP (S) No. 41 of 2007

Sushil Kumar Lal Das

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-05-2013

Acts Referred:

Citation : (2013) 4 JLJR 109

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Rahul Kumar, Prabhat Singh and Navin Kumar, for the Appellant; I. Sen Choudhary and JC to SCI, for the Respondent

Judgement

Aparesh Kumar Singh, J.—The grievance of the present petitioners arose as the respondent-HRD Department has taken a decision to shift the date of promotion of the petitioners in the scale of Readers excluding the period of their services as temporary lecturers for a period of two years. The present petitioners were appointed as lecturers on 14.9.1978 and 24.7.1975 respectively and according to them their services were regularized under 24th Months Statute on 1.1.1981 and 27.5.1981 respectively, while they were serving in the Department of Sindri College, Sindri and Bokaro Steel City College, Bokaro. By reckoning 10 years of service they were granted promotion to the post of Readers w.e.f. 14.9.1988 and 24.7.1985 respectively under 10 years time bound scheme. The petitioners continued to draw the scale of Readers from time to time as revised. However, in the last exercise for such revision upon grant of UGC Scale to the universities employees, the respondent-HRD Department shifted the date of promotion of the petitioners as Readers two years ahead excluding the period of 2 years from the first date of appointment as temporary lecturers, and also placed the petitioners in the scale of lecturers from the said period of two years. These matters, however, were the subject matter of the controversy in the writ petition earlier filed before this Court. The matter stood decided by the judgment rendered by this Court in the case of Dr. (Mrs.) Rafat Ara Vs. Ranchi University and Others,

and a Division Bench judgment of this Court in the case of Dr. Anant Kumar Akhouri Vs. The Vice Chancellor, Ranchi University, Ranchi and Others, . Paragraphs 6 to 8 of the said judgment are relevant for the purposes of the present cases. The said judgment rendered by the Division Bench of this Court in the case of Dr. Anant Kumar Akhauri (supra) was challenged before the Hon''ble Supreme Court in SLP (Civil) No. 11707 of 2012 by the State of Jharkhand, which was, however, dismissed. Thereafter the respondent-HRD Department, Government of Jharkhand has issued a communication dated 2.4.2013 addressed to the Vice Chancellor of all the Universities in the State of Jharkhand including the present respondent-University. As per the said communication the respondents have chosen to abide by the decision of this Court rendered in the case of Dr. Anant Kumar Akhauri and upheld by the Hon''ble Supreme Court.

2. In these circumstances, therefore, it appears that grievances of the petitioners are required to be considered afresh in the light of ratio as laid down by the Division Bench of this Court in the case of Dr. Anant Kumar Akhauri (Supra) and also communicated by letter dated 2.4.2013 issued by the HRD Department, Government of Jharkhand to all such Universities.

3. In that view of the matter, the petitioners are allowed to make a fresh representation before the competent authority/Registrar of the University within two weeks together with all supporting documents and facts. On receipt of such representations, the University shall examine each individual cases of such persons like the petitioners afresh from the records and on being satisfied of the claim of the petitioners" of continuity in service from the date of initial appointment as temporary lecturers in view of 24 months statute dated 14.08.1982, make appropriate recommendation before the respondent-HRD Department within 8 weeks thereafter for grant of revision to UGC Scale and also for correction of the date of promotion to the post of Readers as claimed by the petitioners by reckoning their services from the first date of appointment as temporary lecturers. On receipt of such recommendation, the HRD Department shall take a decision in accordance with law within 8 weeks thereafter in view of the ratio of the judgment of the Division Bench of this Court in the case of Dr. Anant Kumar Akhauri (supra). If the petitioners are found to be entitled to such grant of revised scale treating continuity of service from the date of their initial appointment in temporary services, such consequential benefits arisen thereon should also be given to the petitioners within 6 weeks thereafter. With the aforesaid observations and directions, these writ petitions stand disposed of.