
(2012) 04 JH CK 0072

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2606 of 2003

Tej Narayan Thakur and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0072

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Advocate : V.K. Tiwari and R.R. Tiwari, for the Appellant; M.S. Anwar and P.K. Choudhary, for the Respondent

Judgement

P.P. Bhatt, J.—The respondent- State Government submitted supplementary counter affidavit filed by the Deputy Director, Higher Education on 23.3.2012 stating inter alia that the Director, Higher Education, Jharkhand vide his letter No. 367 dated 22.3.2012 has requested the Registrar of the University to ascertain admissible dues of the employees of the colleges of the petitioners in the light of the pay fixation done by the H.R.D. Department, Jharkhand. The University has also been requested to make payment of lawful admissible dues of the petitioner from its internal source and send requisition for the reimbursement of the amount to the Directorate of Higher Education. Learned counsel for the State has also referred to and relied upon the letter dated 22.3.2012 (Annexure-C to the supplementary counter affidavit) in support of his contention. Learned counsel for the University is not in a position to point out before this Court with regard to further steps taken by the university in pursuance to letter dated 22.3.2012 issued by the Director, Higher Education, Jharkhand as he has not received a copy of the Supplementary Counter Affidavit, filed by the State.

2. Learned counsel for the petitioner submitted that the contents of letter dated 22.3.2012 referred to and relied upon by the learned counsel for the State relates to fixation of salary in respect of 5th Pay Commission whereas, the question involved in this petition is with regard to the payment of arrears of

salary, which is dues and payable prior to implementation of the 5th Pay Commission, pursuance to order as contained in Annexure-5 to the petition i.e. the reasoned order passed by the Vice-Chancellor in pursuance to the direction issued by this Court in CWJC No. 727 of 2000.

3. From perusal of letter dated 22nd March, 2012, it appears that the Director, Higher Education, State of Jharkhand has intimated the Registrar of the University for taking further steps for the payment of legitimate dues to the petitioner in pursuance of recommendation of 5th Pay Commission and therefore, I find substance in the submissions advanced by the learned counsel for the petitioner that the Director, Higher Education, Jharkhand has not properly dealt with the issue involved in this petition, for which on earlier occasion vide order dated 21st February, 2000, a direction was issued by this Court.

4. Under the circumstances, the Director, Higher Education, State of Jharkhand is directed to issue an appropriate direction to the respondent- University, so that the order passed by this Court on previous occasion as well as today can be complied with.

5. Put up this case on 02nd May, 2012. Let a copy of this order be made available to the learned counsel appearing for the parties.