
(2015) 02 JH CK 0122
In the Jharkhand High Court
Case No : L.P.A. No. 32 of 2014

Uday Kant Jha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-02-2015

Acts Referred:

Citation : (2015) 02 JH CK 0122

Hon'ble Judges : Virender Singh, C.J.; Aparesh Kumar Singh, J.

Bench : Division Bench

Advocate : Indranil Bhaduri, for the Appellant; Jalisur Rahman, JC to G.P. III, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Virender Singh, C.J.—The instant Letters Patent Appeal is directed against the judgment of learned Single Judge rendered in W.P.(S) No. 48 of 2013, whereby the said writ petition stands dismissed, finding the appellant-writ petitioner (for short petitioner only) not entitled for pension after counting the total period of service including the services rendered by him before the date of regularization of his services i.e. 28th July, 2004. The learned writ Court did not find the case of the petitioner even for consideration in terms of Rule 59 of Jharkhand Pension Rules, 2000 (for short Pension Rules, 2000), on the ground that the petitioner had not taken any step for grant of regularization in terms of Rule 59 of Pension Rules, 2000 or had never shown his grievance for his regularization from 28th July, 2004. Heard learned counsel for both sides.

2. Mr. Indranil Bhaduri, learned counsel appearing for the petitioner, submits that no doubt the petitioner has not knocked at the door of this Court by filing any writ petition after his services were regularized on 28th July, 2004, but he did make representation for regularization of his services from year 1986 as it was done in the case of similarly situated employees of Class-III and IV and that the case of the petitioner was also considered at one stage and a communication also sent to Chief Engineer, Subernrekha Multi Purpose Project (respondent No. 3

herein) as indicated in Annexure-6. Mr. Bhaduri submitted that the petitioner after retiring in the year 2011 had also made a representation for grant of regularization in terms of Rule 59 of Pension Rules, 2000, but when no consideration was accorded to his representation he knocked at the door of the writ Court.

3. Learned counsel submits that perhaps the learned writ Court has not taken all these aspects into consideration and rejected the case of the petitioner, observing that it does not fall within the parameters of Rule 58 or even Rule 59 of the Pension Rules, 2000. Learned counsel submits that he would be satisfied if the case of the petitioner is considered, at least, under Rule 59 of Pension Rules, 2000, so that if he is ultimately found to be entitled, to it, the pension which has already been made available to similarly situated persons may also flow towards him.

4. Mr. Jalisur Rahman, learned counsel appearing for the respondent- State, has no objection to it. Mr. Sudarshan Shrivastava, learned counsel appearing for respondent No. 6, states that respondent No. 6 will be acting only after a decision is taken by the State in this regard.

5. In view of above, we set aside the impugned judgment and direct the State to consider the case of the petitioner on his representation already moved by him for regularization under Rule 59 of Pension Rules, 2000, so as to decide, whether it is a case of any relaxation as done in other cases, as contended. Let a speaking order be passed in this regard by the concerned authority (respondent No. 1 herein) within two months only from the date, copy of the order is made available to him. Disposed of accordingly.