

(2004) 10 JH CK 0017

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4734 of 2004

Yashoda Kumari (Smt.)

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-10-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 JCR 47

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Dhurba Mukherjee and D.K. Dubey, for the Appellant; H.K. Singh, SSI, for the Respondent

Judgement

M.Y. Eqbal, J.—Reference may be made to the order dated 30.9.2004 which reads as under :

"Reference may be made to the order dated 16.9.2004 which reads as under:-

"Heard the parties.

The matter relates to arrears of salary. It appears that the dispute with regard to the arrears of salary has been finally set at rest by the Division Bench of Patna High Court in I.P.A. No. 172 of 2004 by judgment and order dated 24.2.2004. In compliance of the aforesaid judgment, the Director, Secondary Education, Government of Jharkhand, Ranchi vide Memo No. 1063 dated 28.4.2004 directed the District Education Officer, Hazaribagh to release the arrears of salary in favour of the petitioner but till date the direction has not been followed by the District Education Officer, Hazaribagh.

Let this matter be listed on 23rd September, 2004.

By that time, the District Education Officer, Hazaribagh must release the salary as directed the Director, Secondary Education in the letter referred to hereinabove and file counter-affidavit".

Again the case was taken up on 23.9.2004 and this Court passed the following order :-

"Heard the parties.

Reference may be made to the order dated 16.9.2004 which reads as under :-

The matter relates to arrears of salary. It appears that the dispute with regard to the arrears of salary has been finally set at rest by the Division Bench of Patna High Court in L.RA. No. 172 of 2004 by judgment and order dated 24.2.2004. In compliance of the aforesaid judgment, the Director, Secondary Education, Government of Jharkhand, Ranchi vide Memo No. 1063 dated 28.4.2004 directed the District Education Officer, Hazaribagh to release the arrears of salary in favour of the petitioner but till date the direction has not been followed by the District Education Officer, Hazaribagh.

Let this matter be listed on 23rd September, 2004.

By that time, the District Education Officer, Hazaribagh must release the salary as directed the Director, Secondary Education in the letter referred to hereinabove and file counter-affidavit".

"Mr. H.K. Singh, learned SCI submits that the respondents were informed about the instant case and the order aforesaid and a copy of the writ application has also been collected on 21.9.2004 but no instruction has been sent.

On the other hand, learned counsel for the petitioner submits that after going through the order the District Education Officer, Hazaribagh has gone on leave.

Put up this case on 30.9.2004. On that date the District Education Officer, Hazaribagh shall appear in person and show cause as to why a proceeding for contempt be not initiated against him for non-compliance of the order dated 16.9.2004.

Let a copy of this order be given to the learned Standing Counsel".

Today neither the District Education Officer, Hazaribagh nor any of the respondents has appeared in person and filed any counter-affidavit. The learned Standing Counsel No. 1 submits that the respondents were informed about the aforesaid orders but they have neither sent any instructions nor filed any counter-affidavit. The learned Standing Counsel produced before me a copy of the letter sent to all the respondents including the Director, Secondary Education, Government of Jharkhand, Ranchi and the District Education Officer, Hazaribagh.

Issue bailable warrant of arrest against the District Education Officer, Hazaribagh, for his appearance before this Court on 11th October, 2004 at 10.30 a.m. On that date, the Director, Secondary Education, Government of Jharkhand, Ranchi, shall also appear in person before this Court and file show cause as to why a proceeding for contempt be not initiated against him for non-cooperation with the Court.

In the meantime, it is expected that the entire arrears of salary will be released to the petitioner in terms of the direction contained in Memo No. 1063 dated 28.4.2004 issued by the Director, Secondary Education, Government of Jharkhand, Ranchi.

Put up this case on 11th October, 2004.

Let a copy of this order be handed over the learned Standing Counsel No. 1."

2. It is only when bailable warrant of arrest against the District Education Officer, Hazaribagh was issued, he paid arrears of salary to the petitioner and appeared in person today. This shows the conduct of District Education Officer and in my view, he is not supposed to continue on the post of District Education Officer.

3. Learned counsel for the petitioner submitted that entire arrears of salary has been paid to the petitioner.

4. In that view of the matter, I do not find to proceed further in the matter.

5. This writ petition stands disposed of.

6. Further appearance of the Officers is dispensed with