
(2001) 07 JH CK 0005

Jharkhand High Court

Case No: Writ Petition (S) No. 2780 of 2001

Sanjay Ram

APPELLANT

Vs

State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 20, 2001

Citation: (2001) 07 JH CK 0005

Hon'ble Judges: S.J. Mukhopadhaya, J

Bench: Single Bench

Advocate: M.M. Pan, for the Appellant; J.C. to S.C. II, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhaya, J.

In pursuance of Court's order Mrs. Mukti Rani Singh, SDEO. Khunti is present in the Court and filed a counter-

affidavit.

2. Admittedly, the petitioner was appointed on compassionate ground on the recommendation of Compassionate Appointment Committee, vide

memo No. 903 dated 30th May, 1998. Thereafter he joined on 11.6.1998 but it was not accepted by the SDEO, Khunti. In the aforesaid

background the petitioner moved this Court.

3. It will be evident that by memo No. 1007 dated 1st July, 1998, the Regional Deputy Director of Education, South Chotanagpur Division.

Ranchi directed SDEO. Khunti to accept the Joining of the petitioner. In spite of such direction his joining was not accepted.

4. According to the SDEO, Khunti there being some discrepancy in the name of deceased father of the petitioner she asked for guideline from the

Regional Deputy Director of Education. Ranchi. The Regional Deputy Director in his turn requested the Deputy Commissioner, Palamau by letter

dated 14.10.1998 to enquire the matter. From the record it appears that the Deputy Commissioner, Palamau after necessary enquiry submitted his

report vide letter No. 477 dated 10th August, 2000 and informed that Shri Bachan Ram and Bachan Manjhi was a common man whose son is Sri

Sanjay Ram, the petitioner.

5. In spite of such report of the Deputy Commissioner, Palamau the joining of the petitioner was not accepted. No explanation has been given by

Mrs. Mukti Rani Singh. SDEO, Khunti who merely tendered unqualified apology. She informed the Court that she had no mala fide intention but

was waiting for direction of the superior officer after such report.

6. Thus. It will be evident that there was no laches on the part of the petitioner, but because of enquiry and lapses on the part of the SDEO, Khunti

the Joining of petitioner was not accepted. In the facts and circumstances, taking into consideration the apology tendered this officer this court is

not passing any adverse order against the SDEO. Khunti. She should be cautious in future.

7. It is stated that the joining of petitioner has now been accepted. The respondents are directed to treat the joining w.e.f. 11th June, 1998, the

date the petitioner first reported for duty. There being no lapse on the part of the petitioner he will be entitled for consequential benefits, including

arrears of salary from 11th June, 1998.

8. The respondents are directed to fix the pay of petitioner accordingly, and pay the arrears within three months. On failure respondents will be

liable to pay a cost of Rs. 25,000/- in favour of petitioner in addition to arrears of salary.

9. The current salary to be paid in favour of petitioner by the 1st week of August, 2001.
10. The appearance of Mrs. Mukti Rani Singh, SDEO, Khunti is dispensed with.
11. The writ petition is allowed with the aforesaid observations/directions.
12. Writ petition allowed.