

(2013) 05 JH CK 0009
Jharkhand High Court
Case No: I.P.A. No. 491 of 2012

Pankaj Kumar Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: May 1, 2013

Citation: (2013) 3 AJR 327

Hon'ble Judges: Prakash Tatia, C.J; Jaya Roy, J

Bench: Division Bench

Advocate: Ramadhar Prasad Srivastava, for the Appellant; Ramit Satender, J.C. to G.A. for State, for the Respondent

Final Decision: Dismissed

Judgement

1. Heard learned Counsel for the appellant on the application for condonation of delay. In view of the reasons stated in the application, the delay in filing the L.P.A. is condoned. Accordingly, I.A. No. 3443 of 2012 stands disposed of.
2. Heard learned Counsel for the appellant on merit of the matter.
3. It appears from the facts of the case that the petitioner's service was earlier terminated vide order dated 11.07.2012. Aggrieved against such termination order, the petitioner preferred writ petition being W.P. (S) No. 3967 of 2003. The said writ petition was allowed vide order dated 13.01.2010 and the termination order was set aside with a liberty to the respondents to pass fresh reasoned order after giving proper show cause notice to the petitioner. Thereafter, the petitioner was served with show-cause notice on 2nd August, 2010 and the petitioner submitted his representation against the show-cause notice which was duly considered and thereafter, vide order dated 04.09.2010, the petitioner services was terminated on the ground that the petitioner was given appointment absolutely illegally without following the procedure of law and without advertising the post. Learned Counsel for the appellant submitted that the respondent terminated the services of the petitioner during the pendency of the L.P.A. which the respondent State preferred to

challenge the order of this Court dated 13.05.2010 passed in W.P. (S) 3967 of 2003. The said fact is absolutely irreverent because subsequently the respondent gave show-cause notice to the petitioner which was duly responded by the petitioner and after considering the petitioner's contention, the petitioner services has been terminated on the ground that the post was never advertised and the petitioner was given appointment illegally. In view of the above, we do not find any merit in the L.P.A. Hence, the L.P.A. is dismissed.