Laxman Balmuchu Vs State of Jharkhand and Others

None

Court: Jharkhand High Court

Date of Decision: June 24, 2008

Citation: (2008) 4 JCR 152

Hon'ble Judges: Amareshswar Sahay, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.
Heard the learned Counsel for the parties and with their consent this writ application is being disposed of at this

stage itself.

2. According to the case of the petitioner, the post of ""Manki"" and ""Munda"" are hereditary and the eldest son of the family is selected for the said

post with the approval of the 16th annaes raiyat.

3. The Government of Jharkhand by issue of Annexure-1 dated 6.5.2004, issued an order/circular making a provision to pay honorarium to all

such ""Manki"", ""Munda"" and ""Dakua"" w.e.f. 15.11.2000, i.e. from the date of creation of the State of Jharkhand. According to the said circular,

Manki"", ""Munda"" and ""Dakua"" of the village should be paid honorarium @ Rs. 1500/- @ Rs. 1000/- and @ Rs. 500/- p.m. respectively w.e.f.

15.11.2000.

4. On account of death of ""Munda"" namely Baidyanath Tiria of the Village Sosopi, the petitioner was appointed as ""Joridar Munda"" of the said

village by issue of order dated 14.5.1982 by the Deputy Commis-sioner-cum-Kolhan Superintendent, West Singhbhum, Chaibasa because of the

fact that the son of the Village ""Munda"" namely Sangi Tiria was a minor at that time. It is stated that Sangi Tiria took over the charge of Mundaship

from the petitioner on 16.11.2004 after he attained the age of majority on 15.11.2004. In this way, the petitioner continued to function as ""Joridar

Munda"" (Acting Munda) from the year 1982 till 15.11.2004.

5. The grievance of the petitioner is that in view of the Government''s circular/ order, contained in Annexure-1, the petitioner has not been paid the

honorarium w.e.f. 15.11.2000, till 15.11.2004 which he is legally entitled to.

6. It is alleged by the petitioner that the other ""Joridar Munda"", i.e. ""Joridar Munda"" Suresh Chandra Mahto of village Sailjora and ""Joridar

Munda"" namely Sriniwas Mahto of Village Berhampur, are being paid the monthly honorarium but for the reasons best known to the respondents,

the petitioner is not being paid the same.

7. A counter affidavit has been filed on behalf of the State. In the counter affidavit, the facts stated in the writ petition has not been disputed but at

the same time it is stated that since no provision has been made in the Government''s order/circular, i.e. Annexure-1, to pay honorarium to any

Joridar Munda"" and, therefore, the Government is considering for payment of such honorarium to ""Joridar Munda"" also and the matter is pending

before the Home Secretary, Government of Jharkhand.

8. In view of the facts noticed above, in my view, the claim of the petitioner has to be examined and determine firstly by the competent authority of

the State Government and in view of the statements made in the counter affidavit that the matter is under consideration before the Home Secretary,

this writ application is being disposed of by giving liberty to the petitioner to file a fresh representation before the Home Secretary, Government of

Jharkhand (Respondent No. - 2) stating in detail about his claim and grievance along with the supporting documents, if any, within a period of three

weeks from today. If such a representation is filed by the petitioner within the said period, the Home Secretary, Government of Jharkhand, Ranchi,

shall consider the claim of the petitioner and decide the same by an appropriate reasoned order in accordance with law within a period of eight

weeks from the date of filing of such representation by the petitioner. It is made clear that on consideration, if the claim of the petitioner is found to

be genuine, the consequential benefit shall be given to him without any further delay.

With the above observations and directions, this writ application is disposed of.