

(2008) 07 JH CK 0025

Jharkhand High Court

Case No: None

Ramprit Kumar and
Another and Anil
Kumar and Another

APPELLANT

Vs

State of Jharkhand
and Others

RESPONDENT

Date of Decision: July 15, 2008

Citation: (2008) 3 JCR 548

Hon'ble Judges: Dabbiru Ganeshrao Patnaik, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

D.G.R. Patnaik, J.

In these writ applications, the petitioners have prayed for appropriate writ for directing the respondents to make payment of salary with effect from November, 2000 till date as stated in WP (S) No. 1293 of 2003 and from August. 2000 to the petitioners in WP(S) 1318 of 2003 and further to allow the petitioners to perform their duties, which has been stopped by the respondents, allegedly by oral communication without giving any written order to the petitioners.

2. The claim of the petitioners is based on the following grounds:

(a) In response to the local advertisement, the petitioners being members of the Employment Exchange, the petitioners had applied for the post of Clerk. The Employment Exchange had forwarded their candidature for their appointment in the Labour Department to the post of Clerk in the pay-scale of Rs. 1200-1800/-.

(b) Their candidature was accepted and they were appointed by the respondents on the said post as per office order No. 8 of 1997 dated 19.3.1997 (Annexure-1 and

Annexure-1/1). After receipt of the appointment letters, the petitioners joined their duty and served at several places, where they were posted. During the course of their employment, the petitioners were transferred to other districts and they had joined at their respective transferred postings.

(c) Furthermore by letter No. 371 dated 21.10.2001. issued by the Assistant Director, Social Security, Pakur, a direction was given to all concerned Block Development Officers for making payment to the employees working in the Block against the posts of the Accounts Clerk on which post, the petitioners were also working. (d) Furthermore, the petitioners received their salary for three months from the month of August till October but thereafter from November, 2000 they were not paid any salary at all and such payment has been refused in spite of several requests made to the respondents.

3. Counter affidavit has been filed on behalf of the respondents, wherein, the entire claim of the petitioners have been specifically denied and disputed. It has been contended that the very basis of the claim made by the petitioners, namely, that there was an Office Order dated 19.3.1997, issued by the Directorate of Employment and Training Bihar, Patna, pursuant to which the purported advertisement for the post of Clerk was made was in fact a false and misleading statement. Rather, no such order was ever issued by the Directorate of Employment and Training, Bihar, Patna. The respondents have also challenged the appointment letters, produced by the petitioners claiming the same to be fake since the genuineness of the appointment letters are also established. It is further contended in the counter affidavit that there is reason to believe that the petitioners had connived and managed to get the said office order from the then Joint Director of Employment and Training Bihar, Patna, for extraneous consideration.

4. It is further stated that an identical issue was earlier raised by some of the similarly situated applicants before the Patna High Court in CWJC No. 7866 of 2001. Krishnanandan Kumar v. State of Bihar in which the Hon"ble Court had observed that the appointment claimed by the petitioners was against a scheme, which did not exist and furthermore, that the Joint Director (Establishment) Labour, Employment and Training was not the competent authority to appoint any person on the Class III posts. The aforesaid writ application was accordingly, dismissed by the Patna High Court even up to the level of the Division Bench.

5. The facts which emerge from the counter affidavit indicate that the facts of the case and issue arising, were earlier decided in CWJC No. 7866 of 2001. are very much applicable to the facts of the present case.

6. Since the very appointment letters as produced by the petitioners have been challenged and the genuineness thereof also have been denied, I do not find any merit in these writ applications. Accordingly, both these writ applications are dismissed.