
(2007) 11 JH CK 0012
Jharkhand High Court
Case No: None

Vijay Kishor Paul

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Nov. 29, 2007

Citation: (2008) 2 JCR 90

Hon'ble Judges: M.Y. Eqbal, J; Dabbiru Ganeshrao Patnaik, J

Bench: Division Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. This appeal was admitted and notices were issued to the contesting respondents 2 to 4, but inspite of service of notices, the said contesting respondents have not appeared.
2. Heard learned Counsel for the apellant and learned Counsel for the State.
3. The writ petitioner-appellant has challenged that part of the judgment and order dated 14.3.2002 passed in CWJC No. 428 of 2001, whereby the learned single Judge, while setting aside the order of termination of the appellant, held that the petitioner would not be entitled for salary of the intervening period, though the periods may be counted for other purposes.
4. Admitted facts of the case are that the appellant along with other persons was appointed as Field Officer in the year 1981 on ad hoc basis for a limited period, but subsequently they continued in service. However. services of the petitioner along with others were regularized by the respondent pursuant to office order dated 6.10.1987 and the petitioner continued on the said post for about 16 years. Thereafter, service of the petitioner was terminated on the ground that appointment was made without following the procedure and also without following the reservation policy. Petitioner challenged the said order of termination by filing

the above mentioned writ petition. Learned single Judge while quashing the order of termination, held that the petitioner-appellant will not be entitled to salary for the intervening period.

5. In course of argument. learned Counsel for the appellant brought to the notice of this Court a judgment passed in Patna High Court in batch of writ petitions filed by similarly situated persons. That writ petitions were also allowed and the order of termination was set aside and respondents were directed to treat the petitioners in continuous service without consequential benefits.

6. After considering the impugned judgment passed by the learned single Judge, and also the judgment passed by Patna High Court, and also regard being had to the fact that the petitioner continued in service for about 16 years and his services was also regularized in the year 1987, the order of termination was bad in law. If that is so, the petitioner is also entitled to salary for the intervening period and shall be deemed to be continuing in service during that period.

7. This appeal is, therefore, allowed and that part of the impugned order passed by the learned single Judge is set aside. It is held that the petitioner-appellant shall also be entitled to salary for the intervening period.