

(2011) 07 JH CK 0112

Jharkhand High Court

Case No: Writ Petition (S) No. 2349 of 2011

Father Abraham Minj and
Another

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 20, 2011

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Judgement

Narendra Nath Tiwari, J.

When this writ petition is taken up, learned Counsel for the Petitioners submitted that he does not press the first prayer made in the writ petition.

2. The Petitioners are aggrieved by nonpayment of salary from March, 2010 till date.

3. It has been stated that the Petitioners were appointed as teachers in R. C. Mission Primary School, Doreya, Tamar, Ranchi, which is a Government Aided Minority School. There are three sanctioned posts of teachers in the said school. The Petitioner No. 1 was appointed as teacher on 3rd January, 2007. His appointment was duly approved by the District Superintendent of Education by his Memo No. 4603 dated 10th December, 2007. The Petitioner No. 2 was appointed as teacher on 2nd July, 2008 and his appointment was also approved by the District Superintendent of Education and District Accounts Officer by Memo No. 3334 dated 24th September, 2008. The service books of the Petitioners were also opened and their pay scale was provisionally fixed by the District Superintendent of Education. The Petitioners were paid their salary regularly till February, 2010, but suddenly the Respondents stopped payment of salary from March, 2010 on the ground that final fixation order has not been issued by the Director, Primary Education. It has been stated that the Petitioners have been regularly discharging their duties as teachers. The matter for fixation of pay scale is pending before the Director, Primary Education, and the Petitioners are not at fault, but they have been

arbitrarily punished by withholding the salary for a long period.

4. Learned J.C. to G.P.IV, appearing on behalf of the Respondents, submitted that the District Superintendent of Education, Ranchi is the competent authority to consider the Petitioners' grievance and pass appropriate order and if the Petitioners file fresh representation before the said authority, the same shall be considered and appropriate order shall be passed.

5. Considering the above, this writ petition is disposed of, giving liberty to the Petitioners to file fresh representation, along with a copy of this order, before the District Superintendent of Education, Ranchi. Respondent No. 4. On receipt of the representation, the said Respondent shall consider the same and pass appropriate order in accordance with law within four weeks from the date of receipt of the representation.

6. If it is found that the Petitioners have been working and there is no legal order for withholding their salary, the said Respondent shall take immediate step for payment of arrears of salary as well as current salary to the Petitioners at the rate of salary last paid to them, till final fixation of their pay scale. The admitted arrears of salary shall be paid to the Petitioners within two weeks from the date of disposal of the representation. The concerned Respondents shall also pass final order of fixation of the Petitioners' pay scale, according to their entitlement, within two months thereafter.