

(2012) 08 JH CK 0111

Jharkhand High Court

Case No: Writ Petition (S) No. 1832 of 2010

Radha Mohan Seth

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Aug. 7, 2012

Hon'ble Judges: Dhirubhai Naranbhai Patel, J

Bench: Single Bench

Advocate: Jai Prakash Sahu, for the Appellant; Suresh Kumar, for the Respondent

Judgement

D.N. Patel

1. Learned counsel for the petitioner submitted that suffice it will be for disposal of this writ petition, if a direction is given to respondent No. 3 to treat this writ petition as a representation and decide the claim of the petitioner, by passing a detailed speaking order, in accordance with law and within stipulated time, as given by this Court. I have heard learned counsel for the respondents, who has submitted that they have no much objection, if such a direction is given to respondent No. 3 to treat this writ petition as a representation and decide the claim of the petitioner, by passing a detailed speaking order, in accordance with law and within stipulated time, as given by this Court.

2. In view of these submissions, I hereby direct respondent No. 3 (The Director, Primary Education, Government of Jharkhand, Ranchi) or any officer, who is well conversant with the facts and law or any authorized and competent officer, appointed by respondent No. 3, to treat this writ petition as a representation and decide the claim of the petitioner, by passing a detailed speaking order, in accordance with law, rules, regulations, policies and Government enforceable orders, applicable to the petitioner, as expeditiously as possible and practicable, preferably within a period of twelve weeks from the date of receipt of a copy of the order of this Court, after giving an adequate opportunity of being heard to the petitioner or to his representative.

3. I also direct respondent No. 3 that after taking a decision, as stated hereinabove, necessary papers like service book of the petitioner and the orders passed by him or such other authorized and competent officer as well as such other necessary papers, will be sent to respondent No. 5, within a period of one week, thereafter.

4. I also direct respondent No. 5 to take appropriate decision, in accordance with law, upon receipt of papers from respondent No. 3, as expeditiously as possible and practicable within a period of four weeks, thereafter.

5. I also direct respondent No. 3 or such other competent and authorized officer, who is deciding the claim of the petitioner to make the payment to the petitioner within further period of four weeks, after the decisions are taken by respondent No. 5 as well as by him or such other competent and authorized officer, appointed by him. The amount, which is found legally payable to the petitioner shall be paid to the petitioner with statutory interest and if there is no provision of statutory interest, the same shall be paid with Simple Interest at the rate of 4% per annum from the date on which the amount is due, till the actual payment is made. In view of the aforesaid directions, this writ petition is disposed of.