

Antu Ram Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: July 12, 2013

Acts Referred: Constitution of India, 1950 " Article 226

Hon'ble Judges: P.P. Bhatt, J

Bench: Single Bench

Advocate: S.N. Pathak and Mr. Rakesh Kumar Roy, for the Appellant; A.K. Sinha, J.C. for State, for the Respondent

Final Decision: Disposed Off

Judgement

P.P. Bhatt, J.

The petitioner by way of filing this writ petition under Article 226 of the Constitution of India has prayed for issuance of an

appropriate writ/order/direction upon the respondents to pay the arrears of salary for the period from 12.8.1992 to 19.12.2005 with statutory

interest. Heard the learned counsel for the petitioner as well as the respondent-State Government. Perused the materials placed on record.

2. It appears that the petitioner was appointed on the post of constable on 10.3.1973 in the district of Purnia, Bihar and thereafter he was put

under suspension on 12.8.1992. It appears that a criminal case was lodged against the petitioner on mere suspicion when he was posted at

Jagannathpur police station, Ranchi vide Jagannathpur P.S. Case No. 162 of 1990. Thereafter Criminal Case Vide Trial Case no. 551 of 1993

was conducted by the 2nd Additional Judicial Commissioner, Ranchi and thereafter order of conviction was passed in the said case. Against the

order of conviction, the petitioner preferred an appeal Vide Cr. Appeal No. 36 of 1996(R) before this Court and the said appeal was ordered to

be allowed and order of conviction passed by the court below was set aside/ quashed and accordingly, the petitioner was ordered to be acquitted.

Copy of the said order is also annexed with the petition vide annexure-1. It appears that departmental proceeding was also initiated simultaneously

vide Departmental Proceeding No. 32 of 1993 and now in view of the order of acquittal departmental proceeding was also dropped and

suspension of the petitioner was revoked and he joined the services. It appears that the petitioner submitted representation to the Senior

Superintendent of police, Ranchi for payment of difference of salary during period of suspension i.e. from 12.8.1992 to 19.12.2005 with statutory

interest. The said representation is pending for consideration but till date no order has been passed nor any benefit has been extended to the

petitioner and therefore, the petitioner was constrained to approach this Court seeking appropriate direction to the concerned authority for

payment of arrear of salary. It appears that similarly situated persons namely Ahmad Hussain and Nandlal Paswan have been given the benefit and

accordingly, they have been paid arrear of salary. This fact is also stated in para-11 of the writ petition.

3. The Respondent-State Government submits that he got no objection if necessary direction be issued to the concerned authority to consider and

take decision on the representation filed by the petitioner.

4. In view of the above position, the concerned authority is required to be directed to consider and take decision on the representation filed by the

petitioner within period of one month of this order. If the respondent authority finds that claim put forward by the petitioner is genuine then in that

case appropriate order shall be passed in accordance with law and the amount, which is due and payable, shall be released in favour of the

petitioner forthwith. With the aforesaid observation this petition stands disposed of