
(2013) 07 JH CK 0104

Jharkhand High Court

Case No: Writ Petition (S) No. 7661 of 2012

Antu Ram

APPELLANT

Vs

State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 12, 2013

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2013) 07 JH CK 0104

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and now in view of the order of acquittal departmental proceeding was also dropped and suspension of the petitioner was revoked and he joined the services.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