

(2006) 03 JH CK 0028
Jharkhand High Court
Case No: LPA No. 43 of 2004

State of Jharkhand and
Others

APPELLANT

Vs

Dr. Rajesh Kumar and
Others

RESPONDENT

Date of Decision: March 6, 2006

Acts Referred:

- Bihar Reorganisation Act, 2000 - Section 72(1)

Citation: (2006) 2 JCR 471

Hon'ble Judges: S.J. Mukhopadhaya, J; Dilip kumar sinha, J

Bench: Division Bench

Advocate: A. Allam, Krishna Shankar, for the Appellant; S.K. Chaturvedi and I. Sinha, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. The respondents-writ petitioners were appointed in the service of the erstwhile State of Bihar in October 2000. After their appointment the State was reorganized and successor State of Bihar and Jharkhand came into existence since 15th November, 2000. Even after the reorganisation, the respondents-writ petitioners continued under the State of Bihar till the notification was issued on 24th July, 2001 allocating them State of Jharkhand where they joined in November, 2001. after they were relieved. While they were in the services of the State of Bihar they were on training. Subsequently they were waiting. So, they could not get their salary. After their joining the State of Jharkhand, they were paid salary, but the salary of the earlier period having been not paid, the writ petition was filed by them claiming for salary of following period.

Name of the Respondents	Salary due for the period
Dr. Rajesh Kumar (Respondent-writ petitioner No. 1)	From 11.10.2000 to 8.11.2001
Dr. Alok Kumar Singh (Respondent-writ petitioner No. 4)	From 11.10.2000 to 8.11.2001
Dr. Vijay Prasad Mandal (Respondent-writ petitioner No, 5)	From 11.10.2000 to 8.11.2001
Dr. Uday Kumar (Respondent-writ petitioner No, 6)	From 11.10.2000 to 8.11.2001
Dr. Mandavi Vallabh Jha (Respondent writ petitioner No. 2)	From 13.10.2000 to 2.12.2001
Dr. Parambodh Kumar (Respondent-No. 3)	From 11.10.2000 to 2.12.2001

2. The learned single Judge by the impugned order dated 21st November, 2003 while observed that the respondents-writ petitioners should not be subjected to a technical litigation, directed the State of Jharkhand to pay salary to the respondents-writ petitioners and to claim the dues of earlier period from the State of Bihar. The State of Jharkhand has challenged the said order on the ground that it has no liability to pay the salary to the respondents-writ petitioners of the period during which they were under the State of Bihar.

3. From annexure-A to the counter-affidavit filed in the writ petition it appears that the Central Government issued an order on 6th July, 2001 u/s 72(1) of the Bihar Re-organisation Act and provisionally allocated the services of 44 Animal Husbandry doctors under the successor State of Jharkhand w.e.J. 15th November, 2000. Since enclosures has not been attached with the said order, it is not clear whether the names of the respondents-writ petitioners are appearing in the said list. However, from the Notification date 24th July, 2001, it appears that the said Notification was issued by the State of Bihar in pursuance of an order dated 6th July 2001 whereby 49 Animal Husbandry doctors including the respondents-writ petitioners were relieved. As admittedly, the services of the respondents-writ petitioners were placed under the State of Jharkhand by the Central Government, w.e.f. 15th November, 2000, they will be deemed to be posted under the State of Jharkhand from 15th November, 2000. Therefore, we find no illegality, if the State of Jharkhand has been directed to pay the salary for the period from 15th November,* 2000, onwards. So far as the salary for the period prior to 15th November, 2000 is concerned i.e. the period the respondents-writ petitioners posted under State of Bihar as both the States Jharkhand and Bihar will be guided by the agreement reached between them and communicated by the letter No. Arthopay 8-45/2001 (Part) 221/Budget, Ranchi dated 18th July, 2003 issued by the Finance

Commissioner, Government of Jharkhand, Ranchi, we find no ground to interfere with the order dated 21st November, 2003 passed by the learned single Judge in WP (S) No. 5713 of 2002.

4. There being no merit, the appeal is dismissed.