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Dev Narayan Mahto and ors. Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Jan-31-2005

Reported in : [2005(2)JCR111(Jhr)]

Judge : R.K. Merathia, J.

Acts : Service Law; Constitution of India - Article 226

Appeal No. : W.P. (S) Nos. 6990 of 2002, 865, 935, 1115, 1134, 1136, 1163, 1189, 1233, 1234, 1256, 1259, 1309, 13

Appellant : Dev Narayan Mahto and ors.

Respondent : State of Jharkhand and ors.

Advocate for Def. : Manjul Prasad, G.P. II,; G.P. I and; Ananda Sen, Adv

Advocate for Pet/Ap. : M. Jagannath, Adv.

Judgement :
ORDER

R.K. Merathia, J.

1. Heard the parties. They agreed for disposal of all these writ petitions by a common order.

2. Petitioners have prayed for an order similar to the order dated 3.9.2002 passed in W.P.(S) No. 2683 of 2002 (Annexure-6).

3. Learned State counsel submits that the said case was disposed of on first date of hearing. In the present case, counter affidavit have been filed. The Suberna Rekha Project remained in abeyance from 1990 to 1998 due to financial crunch. Huge establishment costs on account of 3,000 personnels already working there during this period continued during this period. In these circumstances, the Water Resources Department, Govt. of Bihar directed that appointments in vacant posts need not be made. There are ten separate components of Suberna Rekha Project. In 1998 work resumed in two components. Against this limited resumption of work, the number of employees already in service from before is quite large. After creation of State of Jharkhand steps have been taken to resume work in some other components of Suberna Rekha Project. In future vacancies may or may not occur. The numbers of displaced persons seeking appointments are several times in number than vacant Class-III and Class-IV posts. From the order dated 20.9.2004 passed in Contempt Civil Case No. 808 of 2003 it will appear that there are 12000 displaced families whereas the number of posts available under the Project is only 100-150. In view of the resolution of the Water Resources Development dated 18.9.1993, the Govt. of Jharkhand has issued a resolution dated 9.12.2002 and a Committee has been created for preparing category wise list of displaced persons and their claims will be considered in case a decision is taken for further employment. It is lastly submitted by learned State counsel that in view of the Division Bench Judgment passed in the case of Jamuna Prasad Mahto and Ors. v. Steel Authority of India Ltd. and Ors., reported in 2004 (4) JCR 526 (Jhr), petitioners cannot claim employment as a matter of right on the basis of the scheme, as the rightful owners are entitled to compensation against acquisition of their lands.

4. In view of the said judgment of Division Bench, no displaced person can claim employment as a matter of right. However, in view of the stand taken by the State that the cases of the displaced persons are being taken up as per the policy of the Govt. of Jharkhand, no further direction need be issued.

5. These writ petitions thus stand disposed of.

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