

Pawan Kumar Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Aug-30-2004

Reported in : [2004(4)JCR658(Jhr)]

Judge : S.J. Mukhopadhaya, A.C.J.

Acts : [Constitution of India](#) - Article 226; Service Law

Appeal No. : W.P. (S) No. 4059 of 2004

Appellant : Pawan Kumar

Respondent : State of Jharkhand and ors.

Advocate for Def. : S.K. Verma, SC (Mines)

Advocate for Pet/Ap. : Safique Rahman, Adv.

Judgement :

ORDER

S.J. Mukhopadhaya, A.C.J.

1. This writ petition has been preferred by petitioner for direction on the respondents to pay salary for the period from 5th October, 1993 to. October, 1999 during which period he has worked as Junior Engineer as also the salary for the period from 1st January, 2000 up till date, the period during which he has worked as Assistant Engineer.

2. Counsel appearing on behalf of the Mines Board, Hazaribagh submitted that the petitioner was regularized against the post of Junior Engineer thereby, he cannot claim for salary of the post of Assistant Engineer.

3. Having heard,, counsel for the petitioner, as this Court finds that this matter should be determined by the respondents at first instance, this case is remitted to the Secretary, Mines Board, Hazaribagh to determine as to how the period from 5th October, 1993 to October 1999 and 1st January, 2000 to till date would be counted and what salary the petitioner would be entitled under the law. The respondents will pay the admitted dues, if found payable, within a period of three months from the date of receipt/production of a copy of this order.

4. If there is a shortage of fund, the Secretary, Mines Board, Hazaribagh will communicate the petitioner the dues to which he is entitled and give a time frame for payment of such dues.

5. In any case, the admitted dues, if found payable, to be paid immediately on receipt of fund.

6. The writ petition stands disposed of with the aforesaid observations and directions.