

Prabhat Kumar Vs. State of Jharkhand and ors.

Prabhat Kumar Vs. State of Jharkhand and ors.

SooperKanoon Citation : sooperkanoon.com/522342

Court : Jharkhand

Decided On : Aug-29-2008

Reported in : [2008(4)JCR334(Jhr)]

Judge : D.G.R. Patnaik, J.

Appellant : Prabhat Kumar

Respondent : State of Jharkhand and ors.

Judgement :

ORDER

D.G.R. Patnaik, J.

1. Prayer in this writ application has been made for a direction commanding upon the respondent No. 3 to disburse the current salary to the petitioner as also the arrears of salary which the petitioner has claimed as due to him since January, 2004 till date.

2. Learned Counsel for the petitioner explains that the petitioner is an Assistant Teacher in the Parasnath Digambar Jain High School, Giridih where he is working since the year 1987. The school is a fully aided minority school and is obtaining fund from State Government. Though the petitioner used to get his salary regularly every month but later in the month of January, 2004 on account of some internal dispute between the members of the Managing Committee, the payment of salary

to the petitioner and two other employees has been stopped and the same has not been released ever since January, 2004 in spite of repeated representations made by the petitioner. Learned Counsel explains further that a writ application was earlier filed by another teacher on account of non-payment of the salary to her and this Court vide order passed in W.P. (S) No. 1245 of 2003, had directed the respondent No. 3 to resolve the dispute of the Managing Committee so that the payment of salary to the teachers and other employees of the School is restored.

Learned Counsel adds that in spite of the above orders, neither the dispute of the Managing Committee could be resolved as yet nor has the salary of the petitioner been paid although the school authorities have been continuously receiving the funds towards payment of salary of its employees from the State Government. Learned Counsel adds further that notwithstanding the non-payment of his salary, the petitioner has been continuously and regularly working and he is entitled as a matter of right, to claim and receive the current salary as well as arrears of salary since January, 2004.

3. J.C. to G.P.-I is present. Though no counter affidavit has been filed, but from the various documents and annexures filed by the petitioner, it transpires that the petitioner is admittedly an Assistant Teacher employed under the respondent No. 5 which is a fully aided Government minority school, Since as per the petitioner's statement, he has been regularly rendering his services as teacher to the school, withholding of his salary, unless explained by cogent and reasonable cause, certainly amounts to an illegal act on the part of the school authorities.

Learned Counsel for the petitioner submits that he has filed several representations before the District Education Officer (Respondent No. 3) to intervene into the matter and to ensure the payment of salary to the petitioner but the representations including the legal notices have remained unanswered and unattended by the respondents No. 3.

4. In the light of the above facts and circumstances, the respondent No. 3 is directed to resolve the dispute of the Managing Committee and ensure that the current salary of the petitioner is paid to him without any further delay and also to assess the total amount of arrears of salary which has not been paid to the

petitioner and take necessary steps to ensure that the arrears of salary should be paid to him from the fund, which the school has already received from the State Government. This exercise must be completed by the respondent No. 3 within a period of three months from the date of receipt of a copy of this order. The payment of the current salary shall however, be made forthwith to the petitioner. In case the respondent No. 3, on his own findings, comes to any adverse decision regarding the payment of arrears of salary to the petitioner, then he shall communicate the same to the petitioner effectively.

5. With the above observations, this writ application is disposed of.

6. Let a copy of this order be given to the learned Counsel for the respondent State.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com