

Prabhat Kumar Vs. State of Jharkhand and ors

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Court : Jharkhand

Decided On : Dec-19-2012

Appellant : Prabhat Kumar

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 4381 of 2007
--- Prabhat Kumar --- --- --- --- Petitioner Versus The State of Jharkhand & others
--- --- --- Respondents --- CORAM: The Honble Mr. Justice Aparesh Kumar Singh
For the Petitioner: Mr. Ayush Aditya, Advocate For the State: JC to SC-1 --- I.A.
No. 3176/2012 04/ 19.12.2012 The petitioner prays for and is allowed to implead
the Director, Secondary Education, Department of Human Resources
Development, Government of Jharkhand, Ranchi as respondent no. 7 in the
instant writ application which shall be carried out within course of the day by the
counsel for the petitioner. Heard counsel for the parties.

2. The petitioner has approached this court for directing the respondents to pay the arrears of salary for July and August' 2006, for grant of annual increment, benefit of first Assurer Career Progresion scheme as also the Travelling Allowance.

3. According to the petitioner, he was appointed as a Instructor in the erstwhile State of Bihar and was posted in Bankipur Girls High School, Patna. On reorganization of the parent State of Bihar, the petitioner was allocated the State of Jharkhand and he joined on 6th of July 2006 in the office of the Director,

Secondary Education, Government of Jharkhand. Thereafter, he has been posted at 10+2 Government Girls High School, Hazaribagh by office order dated 25th August 2006. It is submitted on behalf of the petitioner that during the pendency of the writ application, respondents have paid his salary of July and August 2006, but rest of his grievances relating to annual increments, benefits of first ACP and also Travelling Allowance, have not yet been redressed.

4. Respondents have appeared and filed their counter affidavit, wherein it has been stated that the petitioner appointed on fixed pay of Rs. 1,500/- for the year 1993-94. By referring to the letter no. 196 dated 27th June 2007 issued by the Director Secondary Education, Bihar, Patna (Annexure-A), it is stated that the Vocational Education Instructor i.e. the petitioner appointed by the Director, Secondary Education, Bihar, will get his increment with effect from the year 2006. It has further been stated that the petitioner will get the T.A. sanctioned from his place of posting i.e. 10+2 Zila School, Hazaribagh in case he has not taken any advance from the previous placing of posting i.e. Bankipur Girls High School, Patna. It has further been stated that the Director, Secondary Education, Government of Jharkhand has asked the District Education officer, Hazaribagh to pay all legal claims of the petitioner vide letter no. 1872 dated 07th July 2008. Counsel for the petitioner, by way of I.A. No. 3176/2012, has brought on record the judgment delivered by the Patna High Court in CWJC No. 10541 of 2009 in order to submit that the petitioner is entitled to the similar benefits granted to the said employees who were appointed by the same appointment letter like the present petitioner.

5. From the submission of the parties, it appears that the grievances of the petitioner in relation to the grant of annual increment, T.A. and the benefits of first ACP are required to be considered by the respondent themselves as they have not yet taken the decision in the matter despite correspondences made.

6. In that view of the matter, the petitioner is allowed to approach the Director, Secondary Education, Human Resources Development Department, Government of Jharkhand, Ranchi (Respondent No.

7) with a fresh representation for redressal of his grievances, within a period of three weeks, together with all supporting facts and documents. In case such a representation is made, the respondent no. 7 shall consider the same in accordance with law and pass a reasoned and speaking order, as per the rules and circular applicable to the petitioner's case, within a period of twelve weeks thereafter, which shall also be communicated to the petitioner. If the grievances of the petitioner are found genuine and legally admissible, the monetary benefits arising out of the same, should be paid to him within a period of eight weeks thereafter. With the aforesaid observations and directions, this writ petition is disposed of. I.A. No. 3176/12 is also disposed of. (Aparesh Kumar Singh, J) Ranjeet/

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