

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1665 of 2018

CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK

(Through: Video Conferencing)

For the Petitioners : Mr. Gautam Singh, Advocate

For the Respondents : Mr. Anish Mishra, Advocate

For the Municipal Corporation Hazaribagh: Mr. Ranjit Kumar, Advocate

10/09.03.2022 Petitioner is claiming salary for the period 17.03.1988 to December, 2004 and from December, 2005 till the date of payment of salary.

Though counter affidavit has already been filed but the averments made in the writ petition have not been properly replied. From pages-22 to 26 of the writ petition, it appears that a decision was already taken and direction given to pay salary to the petitioner who is similarly situated to other persons who were also paid salary. It is specific contention of the respondents that petitioner was willfully absenting from service and abstained from doing work and as such salary was not paid.

Mr. Ranjit Kumar, learned counsel appearing on behalf of Hazaribagh Municipal Corporation submits that petitioner abstained from working from the year 1998 and remained unauthorisedly absent from duty. This contention of learned counsel is not acceptable to this Court in view of Pages-22 to 26 of the writ petition. If the petitioner was unauthorisedly absent from the year 1998, as to how his service was regularized on 28.01.2005. The arguments advanced by learned counsel for the petitioner is totally misconceived. It appears that learned counsel is totally unaware of the facts of this case.

Respondents – State is directed to file specific affidavit bringing on record

- i. Whether any initiative were taken against the petitioner if he was unauthorisedly absent from the duty for such a long period?
- ii. If petitioner was unauthorisedly absent, how his services were regularized on 28.01.2005?

- iii. What steps have been taken by the Department in view of order passed by Chairman, Khan Parshad, Hazaribagh on 28.08.2008 as also the District Establishment Committee dated 28.12.2012?

Let a specific affidavit be filed within a period of four weeks.

Put up this case on 12.04.2022.

(Dr. S.N. Pathak, J.)