

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 541 of 2014

The State of Jharkhand through the Secretary, Human Resources
Development Department. RanchiAppellant

Vs.

Krishna Deo Tiwari & Ors.Respondents

**CORAM : HON'BLE DR. JUSTICE S.N. PATHAK
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellant : Mr. Manish Kumar, Sr. SC-II
Ms. Sunita Kumari, AC to Sr. SC-II
For the Respondents : Mr. Manoj Tandon, Advocate
Ms. Neha Bhardwaj, Advocate
Mr. Adanya Kerketta, Advocate
Ms. Ankita, Advocate
For the Resp. No. 2 : Ms. Indrani S. Choudhary, Advocate

39/ 18.07.2024 Heard learned counsel for the parties.

It has been argued by the learned counsel for the appellant that the writ petitioner/respondent was reinstated in service in the year 1993 pursuant to order passed by Hon'ble Supreme Court and as such he is not entitle for counting of his past service though he was initially appointed in the year 1980 and subsequently dismissed from service. Thereafter, on the direction of the Hon'ble Supreme Court he was reinstated in service by way of fresh appointment.

On the other hand, Mr. Manoj Tandon, learned counsel emphatically argues that the respondents have been considered for 4th Pay Revision taking into account their substantive appointment with effect from 01.02.1980. It has been further argued that it is not open for the appellant to change the substantive appointment of the respondent as per their sweet will. It has been argued that reinstatement cannot be considered to be a fresh appointment, the past services cannot be given a complete go-bye by the appellant as the respondents were appointed on the directions of the Hon'ble Supreme Court, and the Court never gave any observation or direction that the past services of the respondents should be done away. It has also been brought on record that seven similarly situated persons have been granted benefit of 5th Pay Revision. Learned Single Judge was also of

the opinion that since seven other similarly situated persons have been considered and granted benefits of 5th Pay Revision, the writ petitioners shall also be considered for the said benefits.

Learned counsel for the appellant-State prays for some time to seek instruction on the point that whether benefits granted to those seven persons have been withdrawn or not in view of the fact that same was granted illegally.

As prayed, put up this case on 06th August 2024 for further hearing.

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

(Arun Kumar Rai, J.)