

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 1962 of 2023

Shrawan Kumar Balmiki **Petitioner**
Versus
The Jharkhand Mineral Area Development Authority and others
... .. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. R.C. Sahu, Advocate
For the Respondents : Mr. Mahavir Prasad Sinha, Advocate

07/20.03.2024

The matter relates to abandonment of service in terms of Rule 76 of the Jharkhand Service Code.

2. Learned counsel for the petitioner has submitted that the petitioner was under treatment for some time and as per paragraph no. 8 the wife of the petitioner has been continuously reporting the health condition of the petitioner to the respondents. However, neither any supporting document nor any date to that effect has been mentioned in paragraph no. 8.

3. Learned counsel has also submitted that the order of dismissal has been passed with retrospective effect and if the date of dismissal is taken to be the date of passing the order, the petitioner would be entitled for service benefits.

4. Counsel for the respondents is directed to seek instruction and file a counter affidavit with specific reference to the statement made in paragraph 8 of the writ petition and also the provisions of law regarding applicability of Rule 76 of Jharkhand Service Code. The counter affidavit should be filed by 24.04.2024.

5. Rejoinder, if any, by 10.05.2024.

6. Post this case under the heading for ‘Admission’ on 14.05.2024.

(Anubha Rawat Choudhary, J.)