

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 3027 of 2016

(Ashok Kumar Roy & Ors. V. The State of Jharkhand & Ors.)

With

W.P. (S) No. 2984 of 2016

(Naseem Ali & Ors. V. The State of Jharkhand & Ors.)

With

I.A. NO. 4053 Of 2016

IN

W.P. (S) No. 3031 of 2016

(Pradip Kumar Gupta & Ors. V. The State of Jharkhand & Ors.)

**CORAM: HON'BLE MR. JUSTICE D.N. PATEL
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Petitioners:	Mr. Anil Kr. Sinha, Sr. Advocate Mr. Rahul Saboo, Advocate
For the Respondents:	Mr. Ajit Kumar, AAG
For the State:	Mr. Himanshu Kumar Mehta, AAG.

05/Dated 16.01.2017:

Oral Order:

Per D.N. Patel, J.:

1. Counsel for the petitioners has argued out the case at length and taken this Court to various annexures and has pointed out that the Jharkhand Engineering Service Recruitment Rules, 2016, though, have been published for the Road Construction Department, Water Resources Department and Drinking Water and Sanitation Department, the same has been published only by the Road Construction Department. Whereas as per the definition Section 2 (I), the controlling authority is the ministry of the concerned works department. Several issues have been also raised by counsel for the petitioners i.e. appointed date as defined under section 2 (g) of the Rules, 2016, which has never been published at all. Over and above other issues, jointly and combined seniority list which has been published in 2013. etc.
2. Counsel for the State has submitted that wrongly, two affidavits have been filed. One by Under Secretary, Planning cum Finance Department namely Raghvendra Jha S/o Sri Purushottam Jha. This affidavit could not have been filed by the said officer as submitted by counsel for the State. Similarly, one more affidavit has been filed by Under Secretary, Road Construction Department namely Gopi Krishna Pandey S/o Late Bharat Narayan Pandey.

Both these affidavits have been wrongly filed and hence, the counsel for the State is seeking time to file reply on behalf of the State.

3. Mechanical is the approach of the State. Two affidavits have been separately filed, but, none of them is useful to the State.
4. The matter is adjourned only because of the wrong affidavits filed in the High Court and thus, costs of Rs. 5,000/- each will be deducted from the salary of above said two officers. These facts will be highlighted whether the amount has been deducted from their salary or not by the next date of hearing. Initially, the fine amount of Rs. 10,000/- will be deposited by the State and, thereafter, Rs. 5,000/- each will be deducted from the salary of the concerned officers. The said amount shall be deposited before the Registrar General of this Court.

I.A. NO. 4053 Of 2016 IN W.P. (S) No. 3031 of 2016

5. This interlocutory application has been preferred by the intervenors to assist this court on behalf of Diploma holders in Engineering. The Seniority list which is under challenge is also about the Diploma Engineers.
6. Looking to the complexity of the issues and the involvement of these applicants, this interlocutory application is hereby allowed and disposed of.
7. This matter is adjourned to be enlisted on **28th February, 2017.**

(D.N. Patel,J.)

(Ratnaker Bhengra,J.)

Sharda/Nibha