

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 4382 of 2021

Ram Kishor Singh "Arbind" aged about 63 years, Son of late Nand Kishore Singh, resident of village-Nimi, P.O. Mahuari, P.S. Sonhan, District-Bhabhua (Kaimur) Bihar.**Petitioner(s).**

Versus

1. The State of Jharkhand
2. The Principal Secretary, Labour Employment and Training Department, Government of Jharkhand, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, District-Ranchi.
3. The Under Secretary, Labour Employment and Training Department, Government of Jharkhand, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, District-Ranchi.
4. The State of Bihar through Secretary, Labour Employment and Training Department, Now Labour Resources Department, Government Of Bihar, New Secretariat Building, Patna, P.O. and P.S. Baily Road, District-Patna (Bihar).**Respondent(s).**

PRESENT

SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Anand Kumar Sinha, Advocate
: Mr. Sanjay Kumar Singh, Advocate
For State of Jharkhand : Mr. Rahul Saboo, SC-I
: Mr. Gaurang Jajodia, AC to GA-II
For State of Bihar : Ms. Diksha Dwivedi, Advocate

ORDER

Reserved on : 09.09.2025

Pronounced on: 31st October 2025

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By way of filing this writ petition, the petitioner has sought for the following reliefs:-

- a) *for issuance of an appropriate writ(s)/order(s)/direction(s) upon the respondents to pay salary of the petitioner w.e.f. 11.3.2015 till the date of his retirement i.e. 31.7.2018 while the petitioner was kept waiting for posting without any fault on his part as the petitioner after completion of his Leave period, he already submitted application in the office of the concerned respondent.*

And

b) The petitioner further prays that in view of the facts and circumstances pleaded in this writ application, the petitioner remained employee of the State of Jharkhand, Labour Department till the said date of his retirement.

2. The petitioner was appointed as an Assistant Engineer (Mechanical) in BISCOMAUN (Bihar State Co-operative Marketing Union Ltd.) on 13.05.1982 and joined on 14.05.1982. In 1997, due to financial issues in BISCOMAUN, the State of Bihar deputed 10 Engineers, including the petitioner, to the Labour, Employment, and Training Department. However, 6 of them, including the petitioner, were not posted due to roster clearance issues. They filed a writ petition being C.W.J.C. No. 2369 of 1998 before the Patna High Court, which led to interim order in 2000 for their proper posting and payment of salary. Accordingly, the petitioner was posted as Principal, Industrial Training Institute (ITI), Daltonganj, where he worked until his retirement on 31.07.2018 in the newly formed State of Jharkhand. He had also opted to remain in Jharkhand after the bifurcation of Bihar. In 2014, his services were wrongly returned to Bihar. He challenged this move legally and stayed in Jharkhand without ever actually rejoining Bihar. He applied to rejoin Jharkhand service in March 2015. Despite many vacant posts, he wasn't posted until his retirement.

3. Learned counsel for the petitioner submits that aggrieved by administrative inaction, the petitioner and others filed C.W.J.C. No. 2369 of 1998 before the Hon'ble Patna High Court and during pendency, the petitioner was illegally repatriated to BISCOMAUN. He further submits that in view of Sections 72 and 74 of the Bihar Reorganisation Act, and in light of the petitioner's permanent deputation and choice to remain in Jharkhand, the petitioner is deemed to be an employee of the State of Jharkhand. He further submits that the petitioner was maliciously returned to the State of

Bihar vide dated 08.10.2014. The State of Bihar refused to accept his services back, and requested Jharkhand to rectify the notification and retain the petitioner. He also submits that the petitioner, being ready and willing to work, was wrongfully kept idle without any fault. Despite Court orders, respondents failed to post him and pay him from 11.03.2015 to 31.07.2018.

4. The learned counsel for respondent-State of Jharkhand submits that the petitioner was sent on deputation as Principal of Industrial Training Institute, Daltonganj in 2000 and later to Industrial Training Institute, Sahibganj in 2014, but he did not join the Sahibganj post. As a result, his services were returned to the Bihar government, his original employer. He further submits that as per the Court decision in LPA No. 344 of 2012, employees like the petitioner were to be treated as Bihar government employees. So, after his repatriation in 2014, any service-related claims were the responsibility of Bihar government and not Jharkhand.

5. The petitioner in the undivided State of Bihar joined as Assistant Engineer on 14.05.1982 in BISCOMAUN (Bihar State Co-operative Marketing Union Ltd.). The financial status of the said organization deteriorated and they were not even in a position to pay the salary of the employees. Considering the overall scenario the State of Bihar took a conscious decision to take the services of the employees of BISCOMAUN including the petitioner at a different Government department as per their requirement. Under a valid rehabilitation policy the employees were transferred to different departments under the State. The petitioner on 26.04.1997 was allowed to join in the Labour, Employment and Training Department as Principal in the Industrial Training Institute against the vacant post. As after training they were not given posting they filed CWJC No. 2369 of 1998 seeking direction for posting and for release of salary. Vide Notification dated 30.06.2000 the petitioner was posted by the Directorate of Labour,

Employment and Training Department as Principal, Industrial Training Institute (ITI), Daltonganj. The petitioner joined the said post and started working there. He was thereafter posted as Principal, Industrial Training Institute (ITI), Dumka and Sahebganj upto 2006 and again was posted as Assistant Director Training and Examination Controller, Ranchi and was thereafter transferred to Industrial Training Institute, Daltonganj and Ranchi with additional charges. On 30.12.2011 he was post as Principal, Industrial Training Institute, Chaibasa with Additional Charge of Industrial Training Institute, Seraikela. He received all his salary from the State of Jharkhand, after the Jharkhand State was carved out from the State of Bihar.

6. It is pertinent to mention here that while the petitioner was posted in the department of Labour Employment and Training Department, he along with others were repatriated to his parent department i.e. is BISCOMAUN (financially sick unit). The petitioner challenged the said repatriation in CWJC No. 2369 of 1998 and the repatriation of the petitioner was quashed vide judgment dated 23.02.2008.

7. Again on 08.10.2014 the services of the petitioner was sent back by the State of Jharkhand to the State of Bihar but his services were not accepted by the State of Bihar and was returned to the State of Jharkhand. The petitioner thereafter was not allowed to give joining by the State of Jharkhand but he remained waiting for posting and he retired.

8. The fact that the repatriation of the petitioner to his parent department BISCOMAUN was quashed by the High Court Judicature of Patna is undisputed and the said order attained finality. This fact clearly suggests that the petitioner cannot be treated to be an employee of BISCOMAUN. The fact that after creation of the State of Jharkhand the petitioner performed his duty within the territorial jurisdiction of the Jharkhand though he was once at the very fag end

was sent to the State of Bihar but his repatriation to the State of Bihar was not accepted by the State of Bihar. He was kept waiting for posting in the State of Jharkhand from 11.03.2015 till the date of attaining his superannuation i.e. 31.07.2018. Prior to that when he was posted in different places in the State of Jharkhand he was paid his salary by the State of Jharkhand. It is an admitted fact that his salary prior to 11.03.2015 was paid by the State of Jharkhand and it is also admitted that from 11.03.2015 to 31.07.2018 was he was kept waiting for posting by the State of Jharkhand. Further in CWJC No. 12158 of 1999 which was filed by another set of employee of BISCOAUN and in CWJC No. 12158 of 1999, the court had quashed the repatriation order dated 07.10.1999 and directed to absorb the services of those employee. The Letter Patent Appeal being No. 344 of 2012 was preferred by the State against order passed CWJC No. 12158 of 1999 was dismissed. The fact remains that till his date of superannuation the petitioner worked in the State of Jharkhand and for the majority period in which he was working in the State of Jharkhand was paid salary by the State of Jharkhand. The State of Jharkhand also transferred the petitioner from one Institution to another and exercised all the rights and privileges which an employer has upon its employee. Thus for all practical purposes the petitioner should be considered as an employee of the State of Jharkhand and is entitled for all his post retiral benefits by the State of Jharkhand.

9. Further admittedly the petitioner was kept waiting for posting by the State of Jharkhand, thus, no fault can be attributed to the petitioner. The period for which he was kept waiting for posting needs to be regularized and salary for the aforesaid period needs to be paid to the petitioner. Thus, I am inclined to allow this writ petition. I direct the State of Jharkhand to regularize the service of the petitioner and pay his entire salary for the period between 11.03.2015 to 31.07.2018 the period he was kept waiting for posting and the

respondent-State of Jharkhand is directed to calculate his entire post retiral dues and pay the same to the petitioner considering him to be an employee of the State of Jharkhand.

10. Thus, this writ petition stands **allowed**. The benefits which the petitioner is entitled to receive must be calculated by the respondent-State of Jharkhand and disburse to him within the period of 10 weeks from the receipt of the copy of this order.

(ANANDA SEN, J.)

High Court of Jharkhand, Ranchi

Dated : 31st October 2025

Tanuj/

N.A.F.R.