

IN THE HIGH COURT OF JHARKHAND AT RANCHI

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

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

For the Petitioner : Mr. Anand Kumar Sinha, Advocate
For the State : Mr. Abhilash, AC to GP-II
For the State of Bihar : Mr. Diwakar Upadhyay, Advocate

09/03.07.2024 Heard the parties.

2. Petitioner has prayed for a direction upon the respondents to pay salary with effect from 11.03.2015 till the date of retirement i.e. 31.07.2018 while he was kept waiting for posting without any fault on his part.
3. This case has got a checkered history. Earlier petitioner had approached this Court in W.P.(S) No. 407 of 2017 for the same and similar relief. After hearing the parties, the said writ petition was disposed of with a direction to the respondents to consider his case in view of recommendation of Principal Secretary, preferably within a period of four weeks. When direction of the Court was not complied, Contempt case was filed by the petitioner i.e. Contempt Case (Civil) No. 484 of 2017 which was dropped in view of undertaking of the opposite parties. However, when order was not complied in spite of the undertaking given by the opposite parties, the petitioner again filed Contempt Case (Civil) No. 658 of 2019, which stood dropped in view of disputed question of fact giving liberty to the petitioner to prefer fresh writ petition.
4. Mr. Anand Kumar Sinha, learned counsel appearing on behalf of the petitioner argues that till date amount has not been paid to the petitioner and as such he has been constraint to move before this Court. Learned counsel argues that petitioner worked throughout and retired from the State of Jharkhand. Learned counsel further argues that petitioner's service was never repatriated by any order.
5. It appears that in contempt case, specific stand was taken by the State of Jharkhand that during the period in question petitioner did not work in the State of Jharkhand and as such, State of Jharkhand is not liable to pay. The service of the petitioner was

repatriated to the State of Bihar.

6. Mr. Diwakar Upadhyay, learned counsel representing State of Bihar opposes the contention of learned counsel representing State of Jharkhand and submits that State of Bihar has never accepted joining of the petitioner and as such not liable to pay the amount.
7. Let it be made clear, if there is no order of repatriation, the petitioner is entitled for the amount claimed for i.e. salary for the period he remained waiting for posting.
8. As prayed, put up this case on 31.07.2024.

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