

IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No.4136 of 2018

1.Suresh Kumar Ram, aged about 49 years, s/o of late Aklu Machhua, resident at TISCO Q. No.L-04/203, Old Baradwari, Sakchi, Jamshedpur, PO and PS Sakchi, Town-Jamshedpur and District East Singhbhum

2.Ashish Kumar, aged about 32 years, s/o late Rohan Ram Turi, residing at TISCO Q.No.L-4/98, Old Baradwari, Sakchi, Jamshedpur, PO and PS-Sakchi, Town-Jamshedpur and District-East Singhbhum

.... Petitioner

---Vs.---

1.The State of Jharkhand, through the Secretary/ Principal Secretary, Department of Planning and Finance, having its office at Project Building, Dhurwa, PO and PS Dhurwa, Town and District-Ranchi

2.The Secretary/ Principal Secretary, Department of Welfare, Government of Jharkhand, having its office at Project Building, Dhurwa, PO and PS Dhurwa, Town and District Ranchi

3.The Deputy Commissioner, East Singhbhum, Jamshedpur, PO and PS Jamshedpur, District East Singhbhum

4.The District Welfare Officer, East Singhbhum, Jamshedpur, having its office at Sakchi, PO and PS-Sakchi, District East Singhbhum

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Manoj Tandon, Advocate

For the Respondent-State : Mr. Ashish Kumar, AC to GA-I

Order No. 4 : Dated 08th July, 2020

Heard Mr. Manoj Tandon, the learned counsel appearing for the petitioner and Mr. Ashish Kumar, AC to GA-I appearing on behalf of the respondent-State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

I.A. No.7430 of 2019 has been filed for withdrawal of the writ petition on behalf of the petitioner no.2.

Mr. Manoj Tandon, the learned counsel for the petitioners submits that the petitioner no.2 is not pressing this writ petition and in that view of the matter, the writ petition may be permitted to be withdrawn on behalf of the petitioner no.2.

He further submits that the writ petition is now confined to petitioner no.1 only.

Accordingly, the permission is accorded and the writ petition is dismissed as withdrawn with regard to petitioner no.2.

I.A. No.7430 of 2019 stands allowed and disposed of.

W.P.(S) No.4136 of 2018

The petitioner has preferred this writ petition for a direction to pay the house rent allowance admissible to petitioner no.1 with effect from September, 2016 and prayer for interest is also made.

Mr. Manoj Tandon, the learned counsel for the petitioner submits that the petitioner is the employee of State of Jharkhand in the Department of Welfare. The petitioner was allotted quarter of TISCO Q. No.L-04/203, Old Baradwari, Sakchi, Jamshedpur vide Annexure-1. He submits that the petitioner has requested the respondents to pay house rent allowance to him but the same is not being paid. He submits that the petitioner has filed a representation on 04.04.2018. He submits that the case of the petitioner is fully covered in view of the order passed by a coordinate Bench of this Court in W.P.(S) No.6903 of 2002, W.P.(S) No.253 of 2015 and order dated 01.07.2009 [W.P.(S) No.703 of 2009] and analogous cases brought on record by way of Annexure-3 series. He submits that the order has already been implemented by Annexure-4 series. He submits that on similar footing the order may be passed.

The learned counsel for the respondent State submits that the writ petition may be disposed of in that terms.

Taking note of the relevant facts and the submissions made on behalf of the respondents, the writ petition deserves to be disposed of in terms of the judgment of a coordinate Bench of this Court passed in W.P.(S) No.5110 of 2014, however, without making any comment on the merits of the case of the petitioner so that the competent authority may take a decision on the claim of the petitioner within a reasonable time of

16 weeks from the date of representation of the petitioner. The operative part of the judgment [WP(S) No.253 of 2015] is quoted hereinbelow:

“Having regard to the aforesaid submissions made, at this stage, without making any comment upon the petitioners' claim, this writ petition is being disposed of by directing the respondent no.4 to take a decision on the petitioners' representations duly supported with all necessary facts and documents and also enclosing a copy of this writ petition within a period of 16 weeks from the date of receipt of a copy of this order in accordance with law and after due verification of all relevant records. It is also observed that if respondent no.4 considers it proper to seek guideline from the Department of Finance, Government of Jharkhand on the issue, it would be open to him to seek such guidance from the said authority within the aforesaid time and upon such request the Department of Finance could also convey its considered opinion in the matter keeping into regard the time line, in which the decision is to be taken by the respondent no.4. This writ petition is disposed of in the aforesaid terms.”

Accordingly, the writ petition [W.P.(S) No.4136 of 2018] stands disposed of in similar terms of the aforesaid judgment.

I.A. if any also stands disposed of.

(Sanjay Kumar Dwivedi, J.)