

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 6433 of 2014

-
1. Ganga Ram Kalundia
 2. Fatik Chandra Mahto
 3. Siram Munduiya
 4. Kiriti Mahato
 5. Patel Mahto
 6. Chandi Charan Kumar
 7. Ganesh Mahato
 8. Shrawan Gope
 9. Ashutosh Mukherjee
 10. Jagdish Chandra Pan
- Petitioners

Versus

1. The State of Jharkhand.
 2. Principal Secretary, Water Resources Department, Govt. of Jharkhand, Ranchi.
 3. Principal Secretary, Finance Department, Government of Jharkhand, Ranchi.
 4. Principal Secretary, Personnel, Administrative Reforms & Rajbhasha Department, Govt. of Jharkhand, Ranchi.
 5. Deputy Secretary, Water Resources Department, Govt. of Jharkhand, Ranchi.
 6. Administrator, Subarnrekha Multipurpose Project, Vikas Bhawan, Adityapur, Jamshedpur, Seraikella Kharsawan.
 7. Chief Engineer, Subarnrekha Multipurpose Project, Vikas Bhawan, Adityapur, Jamshedpur, Seraikella Kharsawan.
- Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners	: Mr. A.K.Sahani, Advocate
For the State	: Mr. Suraj Prakash, A.C. to G.P.-II

08/Dated: 7th July, 2020

Heard learned counsel for the parties through V.C.

2. The instant writ application has been preferred by the petitioners for a direction upon the respondents to treat the post of Blue Printer and Tracer being Class-III post in the cadre of Clerk in terms of Jharkhand State Clerk/Clerk-cum-Typist/Typist/other Clerical Services cadre (Recruitment, Promotion and other Service Conditions) Rules-2010

(hereinafter to be referred as 'Jharkhand Rules-2010' and to pay the revised pay scale with proper Grade pay at par with other employees in Clerical Cadre by removing their pay anomaly and to pay the consequential benefits accrued thereon.

3. Mr. A.K.Sahani, learned counsel for the petitioners submits that they have prepared a chart giving the details of name of Blue Printers/Tracers with their respective pay scale which includes the names of the petitioners and other similarly situated persons who have common cause of action and they joined with the petitioners while making representation for redressal of their grievances. He further submits that the State Government framed 'Jharkhand Rules-2010' which has been notified by notification no. 1749 dated 27.03.2010 issued by the respondent No.4.

4. Learned counsel further submits that vide letter dated 03.07.2013 the Engineer-in-chief, Water Resources Department, Jharkhand, Ranchi circulated the proceedings of minutes of meeting held on 02.07.2013 convened on the direction given by the Committee under the Chairmanship of the Chief Secretary and Clause-3 and 4 of the said minutes deals with the post of Blue Printer and Tracer. It has been decided that by giving details of their name a proposal be sent to the department for their adjustment. The minutes of meeting has been annexed as Annexure-5 to this writ application.

5. Learned counsel further contended that though they have represented the respondents several times, but their grievances have not yet been redressed. As such, the respondent-authorities may be directed to consider the case of the petitioners along with the applicants of the interlocutory application at the earliest.

6. Learned counsel for the State opposes the prayer of the petitioner and submits that the petitioners were displaced persons and were appointed as Blue Printers etc. as per the chart annexed as Annexure-1 to the writ application. He further submits that the issue as to whether the petitioners are entitled for higher scale of clerk can be considered by the parent department of the petitioners. He further reiterated the statement made in paragraph no. 7 of the supplementary counter-affidavit filed by the State which indicates that the petitioners come within the category of Clerk as prescribed in the list of Clerk Cadre under Public Works Department in Appendix/Addendum 30 of Bihar Service Code. The said part of the Appendix is also annexed as Annexure-A to the supplementary counter affidavit.

7. Learned counsel for the State further submits that, if the petitioners move before the appropriate authority, their cases can be considered in accordance with law, rules and policy decision of the Government.

8. Having heard learned counsel for the parties and after going through the documents available on record, without

going into merits of this case, I hereby dispose of the instant writ application by giving liberty to the petitioners to file representation before the respondent No.4-Principal Secretary, Personnel, Administrative Reforms & Rajbhasha Department, Government of Jharkhand within the period of two months. If any such representation either individually or jointly is filed before the respondent No.-4, he shall dispose of the same by a reasoned order in accordance with law, rules, regulations, circular and policy decision of the Government within a period of four months from the date of receipt of representation.

9. With the aforesaid observations and directions this writ application is disposed of. The interlocutory application No.2819 of 2020 also stands disposed of.

(Deepak Roshan, J.)

Amardeep/