

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S). No.1134 of 2011

with

I.A. No.5217 of 2013

Parmanand Thakur & Anr. Petitioners.

-Versus-

State of Jharkhand & Ors. Respondents.

CORAM : HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioners : Mr. S. K. Pandey, Advocate

For the State : J.C. to Sr. S.C.I

05/31.07.2013: In I.A. No.5217 of 2013, the petitioners have prayed for fixing an early date of hearing of W.P.(S) No.1134 of 2011 under the heading **"For Admission"**.

It has been submitted that the petitioners' case is covered by earlier decision of this Court and the writ petition can be disposed of in terms of the said decision.

Learned J.C. to Sr. S.C.I, appearing on behalf of the respondents, has not disputed the said facts and submitted that in view of the nature of the relief sought for, the writ petition itself can be disposed of at this stage.

Learned counsel for the petitioners agrees for the same.

Heard learned counsel for the parties.

In the writ petition, the petitioners have prayed for quashing Memo No.167 dated 29th December, 2004, whereby the petitioners' salary have been refixed with effect from 1st April, 1986 instead of 1st January, 1982.

It has been submitted that the petitioners were duly appointed as per the circular and the order of the Government. The petitioners got their salary from 1st January, 1982. They are, thus, entitled for fixation of their salary with effect from the said date. However, by the impugned letter, the respondents have arbitrarily shifted the date of fixation of the petitioners' salary with effect from 1st April, 1986 by Clause-3 of the said letter. Similarly situated persons, aggrieved by such shifting, namely, Tarkeshwar Prasad Sahu & Ors., had challenged the order before this Court in W.P.(S) No.3122 of 2005. The said writ petition was disposed of by order dated 14th October, 2009, whereby impugned Clause-3

of the notification, which was regarding shifting of date of fixation of salary, had been quashed. The petitioners' case is fully covered by the said decision of this Court and the instant writ petition deserves to be disposed of in terms thereof.

Learned counsel, appearing on behalf of the respondents, has not disputed the said facts and contentions.

Considering that the similar issue has been decided by this Court in W.P.(S) No.3122 of 2005 with detailed reasons and since this writ petition is covered by the said decision, the same is being disposed of in terms thereof.

In view of the above, this writ petition is allowed. Clause-3 of the impugned letter (Annexure-4) is quashed.

Accordingly, this writ petition as well as I.A. No.5217 of 2013 are disposed of.

(Narendra Nath Tiwari, J.)

Sanjay/