(2013) 01 JH CK 0064

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2718 of 2005

Ananda Prasad Mandal APPELLANT

Vs

The State of Jharkhand and Others RESPONDENT

Date of Decision : 09-01-2013

Acts Referred:

Citation : (2013) 1 JLJR 330

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Delip Jerath, for the Appellant; S. Shrivastava for the Accountant General and JC to SC (Mines), for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. By way of the present writ petition., the petitioner has come before this Court for claiming penal interest on the part of the payment of gratuity, commutation of pension and pension which in spite of order passed by this Court in earlier round of litigation in W.P. (S) No. 5066 of 2004 vide judgment dated 23.9.2004 was finally paid on 1.2.2005, although the petitioner had retired on 30.11.2002 itself.

2. As per the order passed in the case of the petitioner in the earlier writ petition, a direction was issued to the respondents to redress the grievance of the petitioner for payment of post retiral benefits within a period of two weeks from the date of receipt of a copy of the order failing which it was indicated that the desirability of initiating appropriate action against the concerned officials shall be considered.

3. The respondents were allowed time earlier on the plea taken in the present writ petition and filed counter affidavit wherein it has been admitted that petitioner retired on 30.11.2002 and petitioner''s pension bill was submitted in the office of District Superintendent of Education, Dumka-cum-Jamtara by Area Education Officer, Jamtara on 26.6.2003. The pension bill of the petitioner was countersigned and sent vide memo no. 948 dated 12.9.2003 to the office of the

Accountant General, Jharkhand, Ranchi. Again by another letter dated 12.5.2004, the relevant papers were sent by the District Superintendent of Education-cum-Sub-Divisional Education Officer, Jamtara for sanction of pension and gratuity (Annexure-E). Thereafter, objection raised by the office of Accountant General, Jharkhand, Ranchi from the office of District Superintendent of Education, Jamtara, was clarified through letter dated 23.6.2004. However, service book of the petitioner was yet not available in the office of the Accountant General, Jharkhand, Ranchi and in compliance of the letter of the Accountant General dated 4.8.2004 the same was sent on 27.10.2004. Thereafter, the petitioner''s pension and gratuity has been sanctioned by the office of the Accountant General on 2.12.2004 and copies of the same was sent to the Treasury Office, Jamtara.

4. Learned counsel for the Accountant General, however, informs that sanction letter was sent on 19.11.2004, which has been mentioned in para-4 of his affidavit.

5. Ultimately, it appears that the payments were released in favour of the petitioner on 1.2.2005 at least after a considerable lapses of time from two weeks period as directed by this Court in the earlier writ petition.

6. In the aforesaid facts and circumstances, the respondents shall pay simple interest @ 6% on the amount of pension and gratuity released to the petitioner on 1.2.2005, calculated from the date of receipt of a copy of the order dated 23.9.2004 in the office of the respondent-State, within a period of eight weeks from receipt/production of a copy of this order. Accordingly, this writ petition is disposed of.