

(2009) 04 JH CK 0075
In the Jharkhand High Court

Baidya Nath Kachchap

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-04-2009

Acts Referred:

Citation : (2009) 04 JH CK 0075

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel, J.—Learned Counsel appearing on behalf of the petitioner submitted that voluntary retirement was taken by the present petitioner with effect from December 13, 2003 because of eye problem. Thereafter, since long no pension, no gratuity, no leave encashment was ever paid to the present petitioner and only a provisional pension was fixed. Even today the final pension has not yet been fixed nor even till today the amount towards leave encashment, gratuity, G.P.F. has been paid.

2. It is also submitted by the learned Counsel for the petitioner that for no reason, respondent Nos. 2, 3 and 5 are sitting tight over the matter and very recently i.e. in November, 2008 only the papers have been sent by respondent No. 2 to the office of Accountant General.

3. Learned Counsel appearing on behalf of respondent-State submitted that the legally payable amount of gratuity, leave encashment and G.P.F. will be paid, if not paid so far, within a period of four months from today and as the papers have already been sent to the office of the Accountant General for fixing final pension, a suitable direction may be given to the office of the Accountant General also for early fixation of amount of pension.

4. In view of the aforesaid statement, made by the learned Counsel appearing on behalf of the respondent-State, as well as upon hearing the learned Counsel appearing on behalf of the Accountant General, I hereby direct respondent Nos. 1 to 5 to make payment of legally payable amount of gratuity, leave encashment

and G.P.F. to the petitioner within a period of four months from the date of receipt of a copy of the order passed by this Court, if not paid so far, or upon adjustment of any amount partly paid and I hereby direct respondent No. 6 to finalize the amount of pension, to be paid to the petitioner. Respondents will complete this proceeding within a period of four months from the date of receipt of a copy of the order, passed by this Court. All care ought to have been taken by respondent No. 2 to submit the necessary papers to the office of the Accountant General much in advance. Enough delay has been caused by respondent No. 2, which could have been avoided by respondent No. 2. Whenever an employee is retiring, immediately the actions ought to have been taken by the head of the particular office. The respondent authorities ought not to have waited for order by some court. This voluntary exercise ought to have completed much in advance.

5. This writ petition is, thus, disposed of in view of the aforesaid directions.