

(2008) 07 JH CK 0041
In the Jharkhand High Court

Bhagirathi Mahato

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-07-2008

Acts Referred:

Citation : (2008) 3 JCR 512

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—In this application the petitioner has prayed for issuance of a direction to the respondents to pay arrears of enhancement of salary arising out of the first and second time bound promotion given to the petitioner with effect from 1.4.1981 and 28.8.1990 and also for payment of arrears of dearness allowance from 1.1.1996 in the revised scale of pay pursuant to the recommendation of the fifth pay commission.

2. Learned Counsel for the petitioner submits that the petitioner was in the service of the respondent No. 3 as grain gola Chaukidar and he was granted first time bound promotion from 1.4.1981 under memo no 918 dated 17.12.1993 and second time bound promotion was also given to him from 28.8.1990 by order contained in memo No. 197 dated 2nd March, 1994. Both the aforesaid orders of time bound promotion was passed by the Deputy Director, Welfare, South Chotanagpur Division, Ranchi. However, the petitioner was not given enhanced salary out of first and second time bound promotion. Further more, pursuant to the recommendation of the fifth pay commission, he has not been paid the arrears of revision of scale even after his superannuation from service on 30.4.2000.

3. Counsel for the petitioner submits that the demanding payment of aforesaid arrears, the petitioner had submitted his representation before the respondent No. 3 but the same has not been finally disposed of.

4. On the other hand, counter affidavit has been filed on behalf of respondent

No. 3 wherein it has been stated by respondent No. 3 that the dues as claimed by the petitioner are, in fact, payable to him, except the dues in respect of arrears of salary subsequent to first time bound promotion and further that though bills for the corresponding amount had been raised and forwarded by respondent No. 3 but payment could not be released because of the objection raised by the Treasury.

5. It appears that in the counter affidavit of the respondents the claim of the petitioner has virtually been admitted to be correct. The Counsel for the petitioner, while seeking to clarify the situation regarding the arrears of payment in respect of the enhanced pay after the first time bound promotion, explains that the bill for the aforesaid period may have been forwarded by respondent No. 3 but in view of the fact that no payment has been received by the petitioner in respect of that amount, it may be possible that the Treasury may have raised objection to the aforesaid bill also.

6. Learned Counsel for the petitioner submits that after the year 2004, there is no communication between the petitioner and the respondents and the representation of the petitioner has not been disposed of by the respondents.

7. Considering the above facts and circumstances of the case, the petitioner is directed to file a fresh representation before the respondent No. 3 giving therein the details, of his entire claim and, within three months from the receipt of representation, the respondent No. 3 shall dispose of the same by passing a reasoned and speaking order in accordance with law.

8. With the above observations, this application is disposed of.