

(2004) 03 JH CK 0031
In the Jharkhand High Court
Case No : Writ Petition (S) No. 842 of 2004

Bhupati Nath Giri	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 09-03-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 2 JCR 452

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : B.M. Tripathy and Niranjana Kumar, for the Appellant; I. Sen Choudhary, for the Respondent

Judgement

M.Y. Eqbal, J.—Reference may be made to the order dated 17.2.2004, which reads as under:

"Petitioner retired from the post of Assistant Teacher in 1981. He has been paid only Rs. 19,500/- by way of gratuity in 1996. From Annexure 4 it appears that the District Superintendent of Education, West Singhbhum, Jamshedpur vide Memo No. 1956, dated 13th December, 2003 requested the District Superintendent of Education, Saraikella to take appropriate steps for payment of pension. In the peculiar facts of the case I direct the District Superintendent of Education, Singhbhum West Jamshedpur and District Superintendent of Education, Saraikella to appear before this Court on 9th March, 2004. On that day they must bring with them cheque or draft in respect of retiral dues payable to the petitioner so that very unpleasant and harsh order may not be passed against them.

Put up this case on 9th March, 2004.

Let of copy of this order be handed over the learned JC to SC II."

2. Pursuant to the aforesaid order the District Superintendent of Education of the three districts have appeared in person.

3. A counter affidavit has been filed by the District Superintendent of Education, West Singhbhum Chaibasa and Jamshedpur. In the counter affidavit, it is stated that provisional pension and Gratuity was paid to the petitioner in 1989 itself. After receipt of the order passed by this Court, duplicate service book was constructed and the matter was persued and finally certain amount due and payable to the petitioner has been sanctioned. Respondents have come with a bank draft of Rs. 6227/-.

4. Mrs. I. Sen Choudhary, learned counsel for the respondents defending the officers submitted that petitioner retired in 1981 and these respondents were never informed by the petitioner about the dues payable. Perhaps, Mrs. Choudhary, has not gone through the documents annexed with this case. Annexure-1 is letter dated 16.4.96 written by District Superintendent of Education, East Singhbhum, Jamshedpur to the Block Education Extension Officer, West Singhbhum for immediate payment of retiral dues. Similarly by Annexures-2 and 3 petitioner wrote letter to the District Superintendent of Education Chaibasa and Jamshedpur for immediate release of the amount. By Annexure-4 which is letter dated 12.12.2003 written by District Superintendent of Education, Jamshedpur to the District Superintendent of Education, Saraikella, Kharsawan stating that except provisional payment nothing has been finally paid to the petitioner towards the retiral benefits. These officers are therefore, only made correspondences without taking any effective steps for payment of retiral dues to the petitioner who is more than 80 years old and appeared in Court in a very pitiable condition.

5. In the facts of the case, I direct the respondents to handover a draft/cheque of whatever amount finally due and payable to the petitioner within a period of ten days from today. Within that period, the respondents shall also pay a sum of Rs. 25,000/- by way of cost and/or compensation. If the amount of cost is not paid within ten days then the same shall carry interest at the rate of 12% per annum till the date of payment besides initiation of contempt proceeding against those officers. The authority slip in respect of the G.P.O. and P.P.O shall be handed over to the petitioner by the respondents, so that petitioner could be able to receive the pension from the Treasury. Let a copy of this order be handed over to Mrs. I. Sen Choudary.

With the aforesaid observation, this writ application is disposed of.