
(2009) 07 JH CK 0051
In the Jharkhand High Court

Chandra Bhushan Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-07-2009

Acts Referred:

Citation : (2009) 07 JH CK 0051

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Learned Counsel for the respondent State submits that counter affidavit has been filed on behalf of the respondents in 2006, but it appears that due to inadvertence, case number has been wrongly mentioned as WPS No. 4302 of 2005 in place of WPS 4032 of 2005 and therefore the counter affidavit could not be attached with the records of this case. Learned Counsel offers a copy of the counter affidavit. Office is directed to locate the counter affidavit and attach the same with the present case.

2. Heard learned Counsel for the parties.

3. The petitioner in this application has prayed for a direction to the respondents to fix pension and to pay group insurance, part of gratuity, arrears of salary from July, 1995 to November, 1995 and also for a direction to the respondents to allow financial upgradation benefit to the petitioner under the ACP Scheme in the revised scale from 9.8.1999 i.e. the date on which he had completed 24 years of service for 2nd ACP.

4. The petitioner had retired from service on 30.6.2002 from the office of the Block Development Officer, Bermo, Bokaro).

5. Counter affidavit has been filed on behalf of the respondent State wherein it is stated inter alia as follows:

(i) Group insurance has been paid to the petitioner vide memo No. 1502 dated 5.12.2005.

(ii) Regarding payment of part gratuity, it is the office of the Accountant General, Jharkhand which has to issue the authority slip after fixation of pension of the petitioner and to return the service book of the petitioner which was forwarded to the office of the AG by the BDO Bermo.

(iii) As regards payment of arrears of salary from July, 1995 to November, 1995 since it relates to the period prior to bifurcation of the State of Bihar, the matter has to be verified from the petitioner's service book and thereafter the assessment can be made;

(iv) So far as the claim of 2nd ACP is concerned, it is stated that though ACP was effective from 1997, but the Govt. of Jharkhand issued notification declaring that monetary benefits, after implementation of the scheme, would be made available to the employees only after 15.11.2000 i.e. the date of bifurcation. The petitioner having retired on 30.6.2002, he would be entitled for the benefit from 15.11.2000 till the date of his retirement. However, such payment can be made only after receipt of service book of the petitioner from the Office of the Accountant General, Jharkhand. As per the Statement of the BDO, Bermo on affidavit, the petitioner's service book was forwarded to the office of the Accountant General, Jharkhand.

6. Learned Counsel appearing on behalf of the respondent No. 5 Accountant General, Jharkhand, denies emphatically that any such service of the petitioner was received in the office of the Accountant General, Jharkhand or that the service book is retained by the office of the AG. Learned Counsel for the respondent No. 5 as also learned Counsel for the petitioner, while referring to Annexure-H of the counter affidavit filed on behalf of the State, submit that thus letter was addressed to AG, Bihar, Patna, issued by the AG, Ranchi in April, 2004 with a request to make the petitioner's service book available to the office of the Accountant General, Jharkhand.

7. Learned Counsel for the respondent State explains that considering the fact that the petitioner's original service book was misplaced, a duplicate was prepared and forwarded by the BDO to the AG, Jharkhand, but the learned Counsel for the AG controverts this submission of the learned Counsel for the State.

8. Be that as it may, it appears that in course of transit between the State Government and office of the Accountant General, the service book of the petitioner has been misplaced once again and as per the counter affidavit of the respondent State, though the petitioner's claim, in principle, has been acknowledged, but payment of the monetary benefits admissible to him, has been withheld only for want of the service book of the petitioner.

9. Under such circumstances, the respondent State shall reconstruct the service book of the petitioner and forward the same to the Accountant General, Jharkhand, along with the detailed statement of the amounts of the monetary benefits under different Heads to which the petitioner is entitled according to law.

This exercise must be carried out by the State Government within two months from the date of receipt/production of a copy of this order. The petitioner shall also furnish all requisite information as may be required by the respondent State for reconstruction of the petitioner's service book, subject to the condition that such demand would be made by the concerned respondents within fifteen days.

10. Upon receipt of the service book and the details of statement with regard to the petitioner's claim, the office of the Accountant General, Jharkhand, shall consider the same and. issue necessary authority slip in favour of the petitioner to enable him to receive the payment. This exercise must be done by the respondent No. 5 within one month from the date of receipt of the service book of the petitioner.

11. With the above observation, this application is disposed of.

12. Let a copy of this order be given to the learned Counsel for the respondent State and the Accountant General, Jharkhand.