

**(2009) 01 JH CK 0111**  
**In the Jharkhand High Court**

Choudhury Damodar Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 29-01-2009

**Acts Referred:**

**Citation :** (2009) 1 JCR 696

**Hon'ble Judges :** Dabbiru Ganeshrao Patnaik, J

**Bench :** Single Bench

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### Judgement

D.G.R. Patnaik, J.—Prayer in this writ application is for a direction to the respondents to release the amount of retiral dues and pensionary benefits which are legally payable to him.

2. The petitioner was appointed in the Food and Civil Supplies Department in February, 1966 under the State of Bihar. Subsequently, on bifurcation of State of Bihar and on cadre division, the petitioner was allotted the Jharkhand cadre and joined the place of posting at Ranchi in 2004. Later on 30.6.2004 the petitioner had superannuated from service. After his retirement, the petitioner had submitted all requisite documents along with his claim for payment of his retiral benefits and also for fixation of pension and release of payment of pension but in spite of repeated representations, the respondent authorities have not released any payments to him. As such, the petitioner has to file this writ application.

3. Learned Counsel for the respondent State is present. Though no counter-affidavit has been filed but from the Annexure-4 which is a copy of a letter dated 2.12.2006, issued by the Deputy Director and addressed to the Deputy Commissioner, Chatra, it appears that a subsequent direction was given to the Deputy Commissioner to consider the petitioner's application for payment of his retiral dues and to take necessary steps for payment of retiral dues to the petitioner. Apparently, the fact that the petitioner was employed under the State Government in the Department of Food & Civil Supplies and he was superannuated from service on June, 2004, has been acknowledged by the respondent authorities indicating thereby the petitioner is certainly entitled to

claim and receive his retiral benefits.

4. Considering the above facts, the petitioner is directed to file a fresh representation stating his claim and ground in support thereof, along with a copy of this order before the concerned respondent namely the respondent No. 2 and within a period of four months from the date of receipt of representation, the respondent No. 2 shall consider the petitioner's claim, make an assessment of the amount of the retiral dues payable, if any, to the petitioner and shall ensure release of payment of the payable amount to the petitioner within the period stipulated. In the event the payment is not made to the petitioner within the period stipulated, the payable amount shall carry interest @ 12% per annum till the final settlement.

With these observations, this writ application is disposed of.

Let a copy of this order be given to the learned Counsel for the respondent State.