
(2004) 05 JH CK 0059

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6353 of 2002

Deb Kumar Choudhury

APPELLANT

Vs

Central Coalfields Ltd. and Others

RESPONDENT

Date of Decision : 06-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 152

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : R.S. Mazumdar and Srijit Chouhary, for the Appellant; Ananda Sen, for the Respondent

Judgement

Amareshwar Sahay, J.—The prayer of the petitioner in this writ application is for direction to the respondents, particularly respondent Nos. 1 and 3 to pay the remaining unpaid retirement benefits including the monetary equivalent of Earned Leave, Sick Leave, Gratuity, Pension and other dues admissible to the petitioner, who retired from the service of the respondent No. 1 on 30.4.2002. It is stated by the petitioner that after his retirement, he applied for the payment of the said amount but the respondents, neither paid the retirement benefits as aforesaid nor passed any order on the representation filed by the petitioner. The learned counsel for the petitioner submitted that withholding of the aforesaid retiral dues payable to the petitioner is wholly illegal, arbitrary and unjustified.

2. Mr. Sen, learned counsel appearing for the respondents, relying on the statement made in the counter affidavit, submitted that a disciplinary proceeding for major penalty under Rule 29 of the CDA Rules, 1978 of the Coal India Limited was initiated against the petitioner while he was in service and was posted as General Manager (Environment) in CCL, Ranchi. The charge related to an undue favour extended by him to a private party M/s. Ajay Transport Company by accepting its tender for Wagon loading work in Piparwar Area of CCL even though the said private party was not a qualified bidder as per terms and conditions

stipulated in the notice inviting tender. The said departmental proceeding is still pending.

3. It is further stated that another departmental proceeding which was initiated after the retirement of the petitioner under Rule 34.2 of CDA Rules is pending against the petitioner which relates to the charges that gross irregularity was committed by him in the matter of coal transportation causing financial loss to the CCL to the tune of Rs. 43,11,241/-. It is stated that if the petitioner is not found guilty of misconduct in the said disciplinary proceedings against him and is fully exonerated from the charges, then he would certainly be paid his retiral dues etc. It is admitted that the petitioner has retired in the year 2002 and therefore, two years have already elapsed from the date of his retirement. The respondent cannot deny and withhold the retiral dues of the petitioner on the ground of the pendency of the departmental proceeding for an indefinite period.

4. Accordingly, I dispose of this writ application with a direction to the respondents to finally conclude the departmental proceedings against the petitioner within a period of six months from the date of receipt/production of a copy of this order and then to pass an appropriate order in accordance with law regarding the payment of the retiral dues to the petitioner. If the departmental proceeding is not concluded within a period of six months as indicated above, the respondents shall release and pay all the entire legal retiral dues to the petitioner subject to the condition that the petitioner shall cooperate in getting the departmental proceeding concluded and he will not try to take unnecessary adjournments for stalling the departmental proceedings.

With the above observations and directions this application is disposed of.