
(2018) 04 JH CK 0002
In the Jharkhand High Court
Case No : Civil Review No. 10 of 2015

DINKAR RAM AND OTHER

APPELLANT

Vs

STATE OF JHARKHAND

RESPONDENT

Date of Decision : 05-04-2018

Acts Referred:

Citation : (2018) 04 JH CK 0002

Hon'ble Judges : PRAMATH PATNAIK, J

Bench : Single Bench

Advocate : Rajesh Kumar Mahatha, Vijay Shankar Jha

Final Decision : Allowed

Judgement

Pramath Patnaik, J

1. In the instant review application, the petitioners have inter alia prayed for modification of order dated 05.01.2015 passed in W.P. (S) No. 5446 of

2013, by substituting the name of the petitioners in place of their father, Late Shib Prasad Ram and accordingly modify the directions passed by this

Court in order dated 05.01.2015 in W.P. (S) No. 5446 of 2013.

2. For better appreciation, it would be apposite to reproduce order dated 05.01.2015 passed in W.P. (S) No. 5446 of 2013, which is quoted herein

below:

â??The petitioner has filed the present writ petition for the following reliefs :-

(a) For release and payment of due gratuity and leave encashment amount along with 18% interest.

(b) For proper fixation of pension along with the relevant D.A.s on date along with 18% interest.

(c)) For payment of arrears of all other retiral dues accruing in favour of the petitioner along with 18% interest.

The grievance of the petitioner is that though he has retired from service on 31.1.2001, but in spite of lapse of more than 13 years, the amount of retiral dues has not been released.

Learned counsel for the petitioner has submitted that the petitioner has filed series of representations for release of the entire retiral dues, but no order has been passed till date.

Learned counsel for the respondents has submitted that the authorities will take appropriate decision on the representation filed by the petitioner and if the petitioner files a fresh representation, appropriate order will be passed within a reasonable period.

In that view of the matter, this writ petition is disposed of giving liberty to the petitioner to file appropriate representation before the Special Officer,

Deoghar Municipality, Deoghar (respondent no.2) giving therein details of claims along with supporting documents within -2two weeks from the date

of receipt/production of a copy of this order. On receipt of the representation, the respondent no.2 will take decision in this regard and release the

admitted amount, if the petitioner is legally entitled, within eight weeks from the date of receipt of the representation.

If the respondents will dispute any claim raised by the petitioner, reason should be communicated to the petitioner within four weeks thereafter.â??

3. Learned counsel for the review petitioners submitted that for payment of retiral dues, Shib Prasad Ram-father of the present petitioners (now dead)

approached this Court by filing W.P. (S) No. 5446 of 2013 which was disposed of vide order dated 05.01.2015 giving liberty to the petitioner to submit

representation before the authorities concerned, who in turn was directed to dispose of the same within a stipulated period of time. But during

pendency of the writ application, the writ petitioner died on 25.11.2014, leaving behind the present petitioners (review petitioners), as his legal heirs,

which fact could not be brought to the knowledge of the Court. It has further been submitted that the present petitioners had no knowledge of the

pendency of the writ application and only when final order was passed in W.P. (S) No. 5446 of 2013 and the counsel engaged therein informed they

could know the situation. Hence, after coming to know about the fact situation,

they moved this Court for reviewing the order.

4. Learned counsel for the respondents though submitted that the scope of modification in review application is very limited but did not raise serious

dispute if representations is to be filed by the substituted legal heirs of the deceased-employee and order shall be passed thereupon.

5. In view of the submissions advanced by the parties and to meet the ends of justice, the order dated 05.01.2015 passed in W.P. (S) No. 5446 of 2013,

which is under review, is modified to the extent that the names of review petitioners are substituted in place of deceased-writ petitioner and

accordingly, the present review petitioners are at liberty to submit fresh representations before Special Officer, Deoghar (respondent no.2) giving

therein details of claims along with supporting documents within two weeks from the date of receipt/production of a copy of this order. On receipt of

such representation, the respondent no. 2 will take decision in this regard and release the admitted amount, if the petitioners are legally entitled to,

within eight weeks from the date of receipt of such representation. If the respondents will dispute any claim raised by the petitioners, reason should be

communicated to the petitioners within four weeks thereafter.

6. With the aforesaid modification and direction, the review application stands allowed.