
(2007) 08 JH CK 0002

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4561 of 2007

Dr. D.S. Shukla

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 28-08-2007

Acts Referred:

Citation : (2011) 1 JCR 527

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the learned Counsel for the parties and with their consent this writ application is being disposed of at the

stage of admission itself.

2. The Petitioner, who was University Professor of Botany, retired from the service of Ranchi University, on 31.1.1993. His grievance is that till

date he has not been paid his entire admitted retiral dues. As per Annexure-1 to the writ petition issued by the Ranchi University, Ranchi on

27.4.2005, it appears that some of the admitted dues have been paid to the Petitioner, but some of the dues are still remained to be paid to him

because of the fact that dues relate to the period prior to the creation of the State of Jharkhand and, therefore, it is the State of Bihar which has to

release the fund in favour of University, so that the payment can be made to the Petitioner.

3. The question as to whether the Government of Bihar is liable or the Government of Jharkhand is liable to make available the fund to the

University for payment of the admitted retiral dues of the employees of the University relating to the period prior to the formation of the State of

Jharkhand has already been settled by a Division Bench of this Court in W.P.(S) 2859 of 2004 by order dated 22.12.2006. The operative part of

the said order reads as under:

Admittedly, the institution in question is situated in the State of Jharkhand and in accordance with the agreement dated 30.9.2001 and as admitted

by the counsel appearing for the State of Jharkhand we are of the view that the entire amount is to be paid by the Government of Jharkhand alone.

As such, the Petitioner is entitled to get the amount from the State of Jharkhand. It is for the State of Jharkhand to apply for the balance amount

from the Central Government by observing the procedures contemplated under the Rules.

4. The case of the Petitioner is squarely covered by the decision of the Division Bench of this Court dated 22.12.2006 passed in W.P.(S) No.

2859 of 2004 and, as such, it is the State of Jharkhand who is liable to release the necessary fund to the University for payment of the admitted

retiral dues to the Petitioner. Accordingly, the Respondent State of Jharkhand is directed to allocate the necessary fund to the Ranchi University for

payment of the admitted retiral dues to the Petitioner within a period of 8 weeks from the date of receipt/production of a copy of this order.

5. So far other claim of the Petitioner i.e. with regard to the pensionary benefits is concerned, Mr. A.K. Mehta, learned Counsel appearing for the

Ranchi University, Ranchi, submits that it is not known as to whether the Petitioner has opted for the pension scheme prevalent in the University or

not. He submits that if the Petitioner makes a representation before the Ranchi University, Ranchi, stating in details about his claim then certainly,

the same shall be considered and disposed of without any unnecessary delay.

6. Accordingly, the Petitioner is directed to make a representation before the Ranchi University, Ranchi stating in details about his claim regarding

pensionary benefits along with the supporting documents, if any, within a period of 2 weeks from today. If such a representation is filed, the

competent authority of the Ranchi University, Ranchi, shall consider the claim of the Petitioner and shall take an appropriate decision in accordance

with law within a period of four weeks thereafter.

7. It goes without saying that if the claim of the Petitioner is found to be genuine for getting the pensionary benefit, the same shall be made available

to him without any further delay.

8. This writ application stands disposed of with the above direction and observations.

9. Let a copy of this order be handed over to the learned Counsel appearing for the respective parties.