
(2010) 11 JH CK 0033

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5423 of 2008

Dr. Sidheshwar Prasad Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-11-2010

Acts Referred:

Citation : (2011) 1 JCR 381

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard the parties.

2. Learned Counsel appearing for the Petitioner submits that the Petitioner while working as District Leprosy Eradication Officer, Lohardaga, got retired on 31.12.1998, but since then the Petitioner has not been paid the amount towards G.P.F., Gratuity, Group Insurance, difference of salary on account of having promotion for the period from April, 1981 to April, 1992 and also the arrear of salary for the period from February, 1991 to February, 1992 and then from July, 1997 to December, 1998 and that apart, pension has not been fixed as yet.

3. A counter affidavit has been filed, wherein it has been stated that the Petitioner was himself a Drawing & Disbursing Officer still he did not draw the salary for the aforesaid period for which claim has been put forth in this writ application and, therefore, the Petitioner is himself responsible for non-payment of salary for the aforesaid period and that the Petitioner has also not submitted the pension paper as a result of which, no step could be taken for fixation of pension.

4. However, it was submitted on behalf of the Petitioner that it is wrong to say that the pension papers have not been submitted as those papers have already been submitted before the Authority.

5. Admittedly, the Petitioner has not been paid gratuity, G.P.F. etc. as aforesaid,

and that apart, pension has also not been fixed though the Petitioner had made several representations before the Authority for payment of his claim but nothing has been done in this respect.

6. In view of the facts and circumstances, this application is disposed of with a direction to the Petitioner to file a fresh representation raising all his claims, which have been raised in this application and further to submit one set of documents necessarily to be submitted for fixation of pension before the Civil Surgeon-cum-Chief Medical Officer, Lohardaga (Respondent No. 3) along with a copy of this order within three weeks from today and the Respondent No. 3, on receiving the same, will be taking decision in the matter of payment of retiral dues, as aforesaid, and will also be doing needful in the matter of fixation of pension within eight weeks thereafter.

7. If the aforesaid amount is found payable, the same be paid to the Petitioner thereafter. If the Petitioner is entitled to statutory interest to any amount, that should also be paid to him.