
(2016) 04 JH CK 0039
In the Jharkhand High Court
Case No : W.P. (S) No. 3899 of 2015.

Dudh Nath Singh

APPELLANT

Vs

Chairman, (J.S.E.B.) Jharkhand State Electricity Board and
Others

RESPONDENT

Date of Decision : 05-04-2016

Acts Referred:

Constitution of India, 1950 — Article 16, 226

Citation : (2016) 2 AIRJharR 469

Hon'ble Judges : Pramath Patnaik, J.

Bench : Single Bench

Advocate : Satyajit Bakshi, Advocate, for the Appellant; Om Prakash Tiwari, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Pramath Patnaik, J. - Heard Mr. Satyajit Bakshi, learned counsel for the petitioner and Mr. Om Prakash Tiwari, learned counsel for the respondents.

2. In the instant writ application, the petitioner has, inter alia, prayed for issuance of direction to the respondents for payment of the post retirement benefits to the petitioner, such as, Gratuity, Pension, General Provident Fund and Arrears of Dearness Allowances along with statutory interest.

3. It is submitted in the writ application that after rendering about 38 years of service, the petitioner has retired from service on attaining the age of superannuation on 28.02.2015 as a Bill Clerk from Jadugora in the District of East Singhbhum.

4. Mr. Om Prakash Tiwari, learned counsel for the respondents, on instructions, received on 25.02.2016 from the respondents, submits that so far as post-retirement benefits are concerned, 90 % provisional pension has been sanctioned vide Hqr. L. No. 1314, dated 07.09.2015. Provisional pension is being paid from the Executive Engineer, ESD, Ghatshila.

Learned counsel further submits that the retiral benefit payment position to the petitioner from Electric Supply Division, Ghatshila as follows : -

- (a) GSS Rs. 1,36,492/- only paid vide Cheque No. 168923 dated 21.05.2015
- (b) 90 % pension arrear from 01.03.2015 to 31.08.2015 Rs. 1,33,268/- only paid vide Cheque No. 188180 dated 28.12.2015.
- (c) GPF (Final Withdrawal) Rs. 6,30,679/- only paid vide Cheque No. 168958 dated 22.05.2015.
- (d) Leave encashment Rs. 4,73,202/- only paid vide Cheque No. 168935 dated 29.06.2015.
- (e) 10 % Pension and Gratuity will be paid by EEE (Supply) Ghatshila on receipt of sanctioning letters from Nigam Headquarter.

So far as payment of gratuity is concerned, learned counsel for the respondents submits that, if two months" time is allowed then the grievance of the petitioner for payment of admissible retirement benefits shall be redressed.

5. Considering the limited prayer and without delving into the merits of the case, this writ application is disposed of with a direction to the respondents and more particularly to the Respondent No. 4 to consider the claim of the petitioner for payment of admissible gratuity within a period of eight weeks from the date of receipt/communication of the order.

6. Needless to say that if the claim of the petitioner regarding payment of admissible gratuity along with statutory interest, if any, are found to be genuine and legally admissible, the same shall be disbursed to the petitioner within a period of four weeks thereafter.

7. With the aforesaid direction and observation, the writ petition stands disposed of.