
(2008) 03 JH CK 0022
In the Jharkhand High Court

Dugi Mundain

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-03-2008

Acts Referred:

Citation : (2008) 2 JCR 668

Hon'ble Judges : M. Karpaga Vinayagam, C.J

Bench : Single Bench

Judgement

M. Karpaga Vinayagam, C.J.—Admittedly, in pursuance of the order of the Full Bench, order has been passed on 10.1.2008 by the authority concerned. Now counsel for the petitioner would submit that though order had been passed rejecting the claim of the petitioner, the same is not in consonance with the order of the Full Bench, and as a matter of fact, order has been passed against the letter and spirit of the order passed by the Full Bench.

2. It is noticed that finding given by the Full Bench is that the work-charged employees working against a post, in regular scale of pay, on their retirement and after their death, their heirs/dependents are entitled to claim death-cum-retiral benefits, such as, pension/family pension, gratuity, leave encashment etc. apart from the G.P.F. and Group Insurance amount. In Paragraph 20 of the judgment, the Full Bench directed the authorities to decide the individual claim of each of the petitioners including the present petitioner and if any amount is found payable in favour of one or other petitioner towards death-cum-retiral benefits, such as pension/family pension, gratuity, leave encashment, etc. the respondents will pay the admitted dues within a periods of four months from the date of production of a copy of the judgment. On the other hand, if one or other authority disputes any claim of one or other petitioner the authority will communicate the grounds to such petitioner.

Now the Supplementary show-cause filed by the respondents would indicate that in pursuance of the order of the Full Bench already order has been passed on 10.1.2008 stating inter alia that the husband of the petitioner was a work-

charged employee and though he was getting regular scale of pay he was not appointed against any sanctioned post and as such petitioner is not entitled to claim pension.

3. Counsel for the petitioner strenuously contends that admittedly the husband of the petitioner has worked from 1981 to 1997 and therefore, it must be construed that he was working as against a regular/ sanctioned post. But there is no material to show that such a finding has been given by the Full Bench with regard to the claim of the petitioner. However, I feel that the petitioner could challenge the order dated 10.1.2008 passed by the department in the appropriate Forum and in turn the Forum will consider all the objections raised by the petitioner and pass order in accordance with law. This Court is not inclined to give any opinion on this aspect, referred to by the learned Counsel for the petitioner.

4. With this observation the petition stands disposed of.