
(2005) 02 JH CK 0023
In the Jharkhand High Court
Case No : Writ Petition (S) No. 478 of 2005

Fuljence Lakra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-02-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 2 JCR 85

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

Advocate : Rajesh Kr. Mishra, for the Appellant; S.C. (Mines), for the Respondent

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This writ petition has been preferred by the petitioner for direction on the respondents to pay him the death-cum-retiral benefits.
2. According to the petitioner, he was appointed as Revenue Clerk on 30th August, 1997 at Ghaghra Block and retired from the services of the State on 30th April, 2004 from Bharno Block in pursuance of order dated 30th April, 2004 issued by the Circle Officer, Bharno Block.
3. The grievance of the petitioner is that the respondents have not paid the retiral benefits in spite of repeated representation preferred by him.
4. In the facts and circumstances, as I find that the matter requires determination firstly by the respondents, instead of asking the respondents to file counter affidavit, the case is remitted to the Deputy Commissioner, Gumla to enquire into the matter and decide the claim. If it is found that the petitioner is a State Government employee, the respondents will pay him the admitted retiral benefits, such as pension, gratuity, leave encashment, provident fund, group insurance amount etc. to which he is entitled, within three months from the date of receipt of representation along with a copy of this order, failing which the

respondents will be liable to pay the interest @ 5% on such admitted dues from the date the petitioner has retired till the amount is paid.

5. On the other hand, if the respondents dispute any claim or part thereof, will communicate the ground to the petitioner with the aforesaid period.

6. The Accountant General, Bihar and Jharkhand will cooperate in the matter.

7. The petitioner will produce a copy of this order before the Deputy Commissioner, Gumla and the Accountant General, Bihar and Jharkhand along with a representation.

8. This writ petition stands disposed of, with the aforesaid observations/directions.