
(2016) 04 JH CK 0036
In the Jharkhand High Court
Case No : W.P.(S) No. 1555 of 2016.

Israr Ahmad

APPELLANT

Vs

Mineral Area Development Authority

RESPONDENT

Date of Decision : 05-04-2016

Acts Referred:

Constitution of India, 1950 — Article 16, 226

Citation : (2016) 2 AIRJharR 571

Hon'ble Judges : Pramath Patnaik, J.

Bench : Single Bench

Advocate : Tarun Kumar Sinha, Advocate, for the Appellant; Bhawesh Kumar & Ravi Kumar, Advocates, for the Respondent

Final Decision : Disposed Off

Judgement

Pramath Patnaik, J. - Heard learned counsel for the parties.

2. The petitioner, who was appointed on 22.05.1976 on the post of Caretaker cum Clerk, Topchanchi, under the respondent Mineral Area Development Authority, Dhanbad retired on 31.12.2015 from the post of Head Assistant, Water Supply Pramandal, MADA, Dhanbad. The grievance of the petitioner is that post retirement dues such as arrear of DA, interim relief, regional allowance, sixth pay revision, difference in DA, provident fund with interest, group insurance, gratuity, leave encashment etc. and other benefits have not yet been paid to him, though he has made representation before the competent authority of MADA vide Annexure 2 series dated 24.11.2015 and 04.01.2016.

3. Learned counsel for the petitioner submits that since the representations of the petitioner did not evoke any response, the petitioner being constrained has approached this Court under Article 226 of the Constitution of India, for redressal of his grievances.

4. Learned counsel for the respondents-M.A.D.A, on the other hand, submits that the petitioner may be directed to approach the competent authority i.e.

Managing Director, M.A.D.A., who may look into the grievances of the petitioner in accordance with law.

5. In such circumstances, since the matter relates to payment of certain post retiral dues and other service benefits of the petitioner, the writ petition is disposed of by allowing the petitioner to prefer fresh representation before the respondent-Managing Director, M.A.D.A, Dhanbad together with all supporting facts and documents within a period of three weeks. On receipt of such representation, the respondent-Managing Director, M.A.D.A shall consider the same in accordance law and after proper verification of the records of the petitioner, pass a reasoned and speaking order within a period of 12 weeks thereafter, which shall also be communicated to the petitioner.

6. It is made clear, if the grievances of the petitioner are found to be genuine and are entitled to legally admissible dues on account of post retirement dues and other service benefits, the same shall also be disbursed with statutory interest as per the Scheme framed by the respondent-M.A.D.A, which is applicable to retired employees of M.A.D.A.

7. Accordingly, writ petition is disposed of in the aforesaid terms.