

(2010) 08 JH CK 0027
In the Jharkhand High Court

Jagat Narayan Pandit

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-08-2010

Acts Referred:

Bihar/Jharkhand Pension Rules, 1950 — Rule 59

Citation : (2010) 08 JH CK 0027

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The petitioner was initially appointed as Pump Operator on daily wage basis on 06/05/1979 and, thereafter, on 06/07/1981, he was appointed on temporary basis in work charge establishment in the regular pay scale. Subsequently, on 14/11/2003, he was appointed as Correspondence Clerk. He retired from service on 31/01/2008 working as Correspondence Clerk.

3. The grievance of the petitioner is that he is not being given the pensionary benefit on the ground that he has not completed the requisite minimum period of service for getting the pensionary benefits.

4. The Counsel for the petitioner by referring Rule 59 of Jharkhand Pension Rule submitted that this Rules clearly makes the petitioner entitled to the pensionary benefit.

5. It appears from Annexure-6, i.e. the letter dated 20th September 2008 that the Executive Engineer has sought clarification/guidance from the Office of the Accountant General, Jharkhand, Ranchi as to whether the petitioner is entitled to get the pensionary benefit or not but no such clarification was sent by the Office of the Accountant General, Jharkhand, Ranchi.

6. Mr. Srivastava, learned Counsel appearing for the Accountant General submits that it is for the State Government to decide as to whether the petitioner is

entitled for the pensionary benefit or not?

7. On consideration of the facts stated above, this writ petition is being disposed of without going into the merit of the claim of the petitioner by giving him liberty to file a detail representation before the Secretary, Water Resources Department, Government of Jharkhand, Ranchi, (Respondent No. 2) stating in detail about his claim and grievances along with supporting documents, if any, within a period of two weeks. If such representation is filed by the petitioner within the said period of two weeks, the Secretary shall consider his claim on its right perspective and after consideration shall pass an appropriate reasoned order in accordance with law within a period of eight weeks from the date of filing of such representation by the petitioner. It goes without saying, that if, on consideration of the claim of the petitioner he is found to be entitled to the pensionary benefit, the consequential order must follow thereafter.

8. With these observations and directions, this writ petition stands disposed of.