
(2011) 06 JH CK 0076

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1440 of 2011

Jai Prakash Narayan

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-06-2011

Acts Referred:

Citation : (2011) 4 JCR 95

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for a direction on the Respondents to pay his retiral dues such as pension and gratuity and also the amounts of provident fund, group insurance, leave encashment and other dues, which are payable to the Petitioner on his retirement.

2. It has been stated that the Petitioner retired as Junior Engineer from Building Construction Department, Chhotanagpur Circle, Ranchi on 31st January 2009. During his service period, the Petitioner was entitled to get the benefits of first and second assured career progression (A.C.P.), but the same were not paid to the Petitioner in spite of his repeated request and representations. After his retirement, the Petitioner has also made request and filed representation before the Respondents, but till date the said dues/benefits have not been paid to him.

3. A counter affidavit has been filed on behalf of the Respondents, stating, inter alia, that the service book was not available in the office and the same was called for from his last place of posting. Now the service book has been received. The Respondents have also collected other required papers, relating to the Petitioner, from the concerned offices and processed his claims and they shall pass appropriate order without any delay. Any representation filed by the Petitioner earlier or if fresh representation is filed by him, the same shall be considered and appropriate order shall be passed.

4. Considering the facts and circumstances of the case and submissions made

above, this writ petition is disposed of, giving liberty to the Petitioner to file a fresh representation, along with a copy of this order, before the Secretary, Road Construction Department, Jharkhand Respondent No. 3 and the Superintending Engineer, Building Construction Department, Chhotanagpur Circle, Ranchi Respondent No. 4, giving details of his claims. On receipt of the representation, the said Respondents shall consider the same and pass appropriate order, regarding respective claims concerning them, in accordance with law, within a period of six weeks from the date of receipt of the representation. If one or the other claim of the Petitioner is found genuine/admissible, the admitted arrears/dues of service period as also after retirement, shall be paid to the Petitioner with statutory interest within a period of six weeks thereafter. If the amount(s) found payable to the Petitioner is/are not paid within the said period, the Petitioner shall be entitled to get interest @10% per annum till final payment. The State Government shall be at liberty to recover the amount of compensatory interest from the erring official(s).