
(2011) 04 JH CK 0148

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1431 of 2009

Mahendra Nath Dwivedi and Another

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 04-04-2011

Acts Referred:

Citation : (2011) 04 JH CK 0148

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Both the Petitioners while were posted under the employment of Jharkhand State Forest Development Corporation, got retired on 31.1.2004. When the retiral dues were not paid to them, a writ application, bearing No. 3845 of 2005 was filed before this Court which was disposed of directing all the Respondents to release all the admitted retiral benefits together with interest legally payable to the Petitioners but that order seems to have been complied with in part only and, therefore, this writ application has been filed wherein a statement has been made in paragraph 9 about the amount the Petitioners are entitled to, the amount which was paid against the head shown in the chart and the balance amount which is to be paid.

2. However, this was disputed on behalf of the Jharkhand State Forest Development Corporation by saying that for some of the amount the Petitioner is not entitled to, still claim has been made and that the Petitioner has not filed any rejoinder to the statement made in the counter affidavit filed by the Jharkhand State Forest Development Corporation wherein payment made to the Petitioner was shown and in this manner, it was stated that the Petitioner is not entitled to any claim except unutilised leave which has been claimed by the Petitioner No. 1. It was further pointed out that so far as Petitioner No. 2 is concerned, all the payments with respect to G.P.F, Gratuity, Unutilized Leave, Group Insurance have been paid.

3. At this stage, learned Counsel appearing for the Petitioners submits that he

will file rejoinder to the counter affidavit wherein he would state categorically about the amount which has already been paid, the amount left to be paid. Accordingly, let a rejoinder to the counter affidavit be filed.

4. At the same time, counter affidavit be also filed on behalf of the Bihar State Forest Development Corporation which has still not been filed, though vide order dated 9.3.2010 counter affidavit was asked to be filed by the Bihar State Forest Development Corporation.

5. Let this matter be listed on 25.4.2011.