

(2009) 01 JH CK 0077
In the Jharkhand High Court

Md. Sikandar Ansari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-01-2009

Acts Referred:

Citation : (2009) 01 JH CK 0077

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Prayer in this writ application is for a direction to the respondents to pay to the petitioner the entire retiral dues with interest and also to pay the consequential benefits of the first time bound promotion on the basis of the fixation made on 29.6.2004. A further prayer has been made to extend the benefits of second time bound promotion on the petitioner's completing 24 years of service. A further prayer has been made for a direction to pay the entire dues along with statutory interest and to give break up of the payments made.

2. The petitioner was employed as Amin under the Land Revenue Department of the State of Bihar in 1957. The said Department was subsequently merged with the Soil Conservation Department. Though, by order of the Deputy Commission, Dhanbad, the petitioner was dismissed from service on 8.3.1969, but the order of his dismissal from service was quashed by the Appellate Authority on 30.3.1977. Thereafter, he was reinstated in service. The petitioner submitted his representation demanding payment of back wages for the period he was kept out of service. In spite of the quashing of the order of his dismissal, the respondents have though reinstated the petitioner in service, but had declared that he was reappointed with effect from the date of his joining. The petitioner; challenged the aforesaid order by filing a writ application before the Patna High Court and had obtained an order against the respondents for payment of the entire back wages and all legally payable dues to him. A direction was given to the petitioner by the Patna High Court vide order dated 17.7.1995 passed in CWJC No. 2223 of 1994 (R) to collect the amount of Rs. 16,685.20 from the Treasury which was

deposited by the respondents in his account.

3. Being not satisfied with the amount so paid to him, the petitioner filed a fresh representation before the concerned authority of the respondents, stating the details of the payment due to him which, according to his own assessment, was to the extent of Rs. 2,85,519.89 paise. The petitioner had also sought for details of payment of Rs. 49,556.00 which was made to him since he was not informed: about the break up and under what Head was such payment made to him. The petitioner! had also demanded implementation of the order of first time bound promotion and to pay him all the consequential benefits thereof and further demanded second time bound promotion on completion of 24 years of service and to give him all consequential benefits thereof.

The grievance of the petitioner is that in spite of the court's order in the earlier writ (application and, in spite of the repeated representations filed by the petitioner, the respondents have failed and neglected to pay the retiral dues.

4. Mrs. M.M. Pal, learned Counsel for the petitioner, while referring to para- 14 of the writ application, submits that the benefits of first and second time bound, promotion had already been extended to a person who is junior to the petitioner.

5. Counsel for the respondent State is present. Though, no counter-affidavit has been filed, but the learned Counsel for the State would point out that the petitioner has been paid substantial amounts of money towards his retiral benefits and his representation demanding further payment, is pending consideration before the concerned authority of the respondents.

6. Considering the above facts and circumstances, the petitioner is directed to file a fresh representation along with a copy of this order mentioning the details of the various Heads under which he has claimed payment of his dues from the respondents including his claims for grant of the benefits of second A.C.P. and, within three months from the date of receipt of the representation, the concerned authority of the respondents shall consider the same and if it is found that the petitioner's claim is genuine and the payments, as claimed by him, are payable or any such other sum, as per the assessment, is found payable, then the same shall be paid to the petitioner, within the stipulated period of three months. Such amount shall carry interest @6% per annum. While considering the petitioner's, representation, the concerned authorities of the respondents shall pass a reasoned and speaking order specifying the various Heads under which the payable amount is assessed, and effectively communicate the same to the petitioner. In the event payments which are legitimately and legally assessed as payable and due are not paid within the stipulated time, then the same shall carry interest @12% per annum, till the final payment is made.

With this observation, this writ application is disposed of at the stage of admission itself.

Let a copy of this order be given to the counsel for the respondents.