
(2004) 01 JH CK 0068
In the Jharkhand High Court
Case No : Writ Petition (S) No. 581 of 2002

Michael Longa

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 15-01-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 2 JCR 149

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Prabhash Kumar, for the Appellant; Rashmi Kumar, JC to SC II, for the Respondent

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard the learned counsel for the parties.

2. The prayer of this petitioner in this writ petition is to quash the part of the order dated 12.11.1999 as contained in Annexure 5 to the writ petition whereby the petitioner was granted second time bound promotion w.e.f. 25.9.1984 on the ground that he has completed 25 years of service after grant of first time bound promotion but with direction that the petitioner shall not be entitled to any monetary benefits as he has already availed the salary and other emoluments for the said period while he was posted as Accountant and further prayer of the petitioner is to provide him all consequential monetary benefits pursuant to the aforesaid second time bound promotion w.e.f. 25.9.1984 and to calculate his retiral benefits accordingly.

3. The stand of the respondents as it appears from the counter affidavit filed by the respondent No. 6 that the petitioner was working as an Emergency Divisional Accountant under the Accountant General, Bihar in between 1.6.1979 to 10.9.1994 and during the said period the petitioner availed different pay scale and other facilities applicable to the Central Government employee and he never

claimed any pay, promotion or other benefit from Rural Engineering Organization (REO) as he was performing duties of higher status and several Senior Accounts Clerks were working under his control and direction during the aforesaid period. It is further stated that as the petitioner failed to clear departmental examination even after working for 15 years in the office of Accountant General Bihar, he was reverted to his original department and therefore, he is not entitled to any monetary benefit on account of Second Time Bound Promotion for the period during which he was working in the office of the Accountant General and not in the office of Rural Engineering Organization.

4. From the counter affidavit filed by the respondent No. 6 it appears that the authority slip for General Provident Fund amount was already issued in favour of the petitioner on 23.7.1999 for Rs. 82,016. It further appears that after receiving the final withdrawal application which was received on 10.5.1999, the interest was calculated and the authority slip was already issued on 20.2.2002 for Rs. 35,623. Therefore, it is stated by the respondent that the petitioner is not entitled to any relief.

5. Having considered the rival contention of the parties and averments made in the writ petition as well as the counter affidavit, I find that the petitioner not entitled to any relief (sic). Accordingly the writ petition is dismissed.