

(2003) 06 JH CK 0041

In the Jharkhand High Court

Case No : M.J.C. No. 191 of 2001 with Cont. (Civil) Case No's. 995 of 2001 and 390, 392, 393, 394, 396, 397 and 398 of 2002

Mithilesh Kumar and Others

APPELLANT

Vs

S. Manoharan and Others

RESPONDENT

Date of Decision : 18-06-2003

Acts Referred:

Citation : (2003) 2 BLJR 1458

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : R.S. Mazumdar and Atanu Banerjee for H.S.C.L., Sidheshwar Prasad, Dhananjay Kumar Dubey, Rajiv Ranjan, T.K. Yadav, Anil Choudhary, Ajay Kumar Singh, Ashok Kumar and S.K. Sinha, for the Appellant; M.J. Rahman, Junior Counsel to Government Pleader-II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Mr. S.N. Pandey, Assistant Manager (Personnel), H.S.C.L., Bokaro is present in the Court. He handed over the following cheques issued in the name of the writ petitioners either personally or through their Counsel, which are mentioned herein below:

Name Amount Paid Cheque No. and Date remarks

Rupees

(1) Satrugan Sharma : 1,20,284.00 520067 -26-5-2003

4,480.96 566903 -4-6-2003

Handed over to Mr. Rajiv Ranjan, Counsel for onward transmission to writ petitioner.

(2) Maj. O.K. Mishra 68,804.00 520068 -26-5-2003

6,732.00 566904 -4-6-2003

Handed over to Mr. S.K. Sinha, Counsel for onward transmission to writ petitioner.

(3) R.K. Jha 1,17,114.00 520069 -26-5-2003

12,681.50 566905 -4-6-2003

Handed over to Mr. Rajiv Ranjan, Counsel for onward transmission to writ petitioner.

(4) K.P. Singh : 44,214.00 520070 -26-5-2003

16,756.26 566906 -4-6-2003

Handed over to Mr. Rajiv Ranjan, Counsel for onward transmission to writ petitioner.

(5) Mithilesh Kumar : 1,20,300.00 520071 -26-5-2003

8,284.00 566829 -13-5-2003

4,224.26 566907 -4-6-2003

Handed over to Mr. Mithilesh Kumar, in presence of his Counsel Mr. Rajiv Ranjan.

(6) D. Sanyal : 71,298.00 520072 -26-5-2003

17,020.00 566908 -4-6-2003

Handed over to Mr. D. Sanyal, in presence of his Counsel Mr. Dhananjay Kr. Dubey.

(7) P.R.Yadav: 20,502.00 520073 -26-5-2003

6,836.18 566909 -4-6-2003

Handed over to Mr. Rajiv Ranjan, Counsel for onward transmission to writ petitioner.

(8) JS.K. Singh: 92,743.00 520074 -26-5-2003

Handed over to Mr. S.K. Singh in presence of his Counsel Mr. Anil Choudhary

(9) Dilip Yadav : 9,31,499.09 242363 -11-3-2003

Handed over to Mr. Sidheshwar Prasad Advocate for onward transmission to writ petitioner.

2. The statement of admitted dues has been handed over by the Counsel for the H.S.C.L., Bokaro to the respective Counsel for the writ petitioners.

3. Mr. Rajiv Ranjan one of the Counsel for the writ petitioners submitted that there is some discrepancy between the statement of admitted dues, which was earlier handed over to the writ petitioners and the other served here today before the Court.

4. Mr. Mazumdar, the Counsel for the H.S.C.L. submitted that in the earlier statement of admitted dues, the arrears of the salary was shown on the basis of

revised scale, but in the present statement of admitted dues, the arrears of salary has been shown in the pre-revised scale of pay, It is stated that the difference of arrears on revision of pay will be paid to the writ petitioners, as and when, the fund is allotted by the Government of India.

5. It is accepted that all the writ petitioners have vacated their respective quarters, as per the order of the Court.

6. Mr. Mazumdar further states that since the quarters have been vacated by the writ petitioners; the H.S.C.L., Bokaro has decided not to charge any penal rent/market rate or demurrage from the petitioners for the period they remained in their respective quarters.

7. There appears to be some dispute relating to quantum of payment. The Counsel for the writ petitioners submitted that the amounts which were earlier recovered have not been refunded, but a lesser amounts are shown in the present statement of admitted dues.

8. Mr. S.N. Pandey, Assistant Manager (Personnel), H.S.C.L., Bokaro submitted that he is ready to look into the grievance of individual petitioner (s), if he/they approach him for the same and on the basis of their grievance, if certain more amount is found payable, there will be no difficulty to pay back the amount.

9. In the facts and circumstances, I allow the writ petitioners whoever is aggrieved relating to quantum of payment to contact Mr. S.N. Pandey, Assistant Manager (Personnel), H.S.C.L., Bokaro on or before 30th June, 2003. On their appearance, Mr. Pandey will fix a date relating to each of the writ petitioner and find out whether any further amount is payable to one of other writ petitioner or not, apart from the arrears on revision of pay, which is payable to the writ petitioners.

10. It is expected that the process should be completed latest by 31st July, 2003.

11. On the next date, the Court will also decide whether the Management of H.S.C.L., Bokaro is liable to recover certain amount from Dilip Yadav, one of the writ petitioners, on the ground of excess payment said to have been paid to him.

12. Mr. S.K. Singh, one of the writ petitioners will appear on the next date and file a show-cause reply as to why he be not proceed for non-compliance of the Court's order in time.

13. Place all the cases under the heading "for orders" on 8th August, 2003.