
(2016) 01 JH CK 0054
In the Jharkhand High Court
Case No : W.P. (S) No. 1054 of 2015

Mrityunjay Nayak and others

APPELLANT

Vs

State of Jharkhand and others

RESPONDENT

Date of Decision : 05-01-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 2 JBCJ 179 : (2016) 3 JCR 426

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : JC to Sr. SC-1, for the Respondent

Final Decision : Disposed off

Judgement

Aparesh Kumar Singh, J. - Heard learned counsel for the parties.

2. Details of 21 petitioners indicated in the form of chart furnished by them at para-4 of the writ petition contain the name of the employees, school in which employees/teachers worked, their date of appointment and respective dates of their retirement. They are shown herein below:-

Sl. No.

Name of the Employee

Name of the School

Date of Appointment

Date of Retirement

1

Mrityunjay Nayak

Middle School, Baragariya

19.08.1963

28.02.2002

2

Motilal Manna

Aamdanga Primary School, Galudih

04.03.1992

31.05.2010

3

Jhareshwar Kuila

Oriya Primary School, Kuldiha

23.02.1955

30.09.1996

4

Goshtha Bihari Shaw

Shaljhariya Upgraded Primary School, Bahragora

06.04.1957

31.10.1995

5

Bhudeo Chandra Ghosh

Middle School, Barshol

09.01.1961

30.11.1993

6

Bhushan Chandra Ghosh

Middle School, Barshol

16.09.1947

30.11.1986

7

Ramendra Nath Saw

Middle School, Darkhuli

09.04.1960

30.06.1989

8

Bhutnath Dandwat

Joram Loha Maliya Middle School

30.03.1964

30.09.1999

9

Kalicharan Majhi

Muturkhan Middle School, Chakulia

15.07.1966

31.10.2001

10

Majhiya Majhi

Hiraganj Middle School, Ghatshila

03.08.1964

28.02.2001

11

Kalicharan Mahto

Matiyabandhi Middle School, Chakulia

15.04.1964

31.05.2004

12

Ambuj Kumar Mahto

Baliyaguir Middle School, Chakuliya

16.08.1967

31.03.2008

13

Asit Ranjan Bassi

Kalapathar Middle School, Chakuliya

27.02.1969

31.10.2008

14

Binapani Rai

Manoharlal Middle School, Chakuliya

27.05.1971

30.06.2009

15

Jagatpati Ghosh

Gohaldih Primary School, Bahragora

24.11.1970

31.01.2006

16

Late Baidyanath Mahanty

Middle School, Muturkham, Chakuliya

24.08.1952

31.01.1989

17

Parmanand Mandal

Sardiha Middle School, Chakuliya

24.06.1963

31.01.2001

18

Sharat Chandra Kuila

Shatukacha Primary School, Msabani

11.01.1963

31.8.2000

19

Chitreshwar Ghosh

Middle School, Kerukocha, Chakuliya

21.04.1962

31.05.1999

20

Ratan Chand Majhi

Middle School, Bhuitya

01.04.1964

30.09.2001

21

Maheshwar Mahto

Kuldiha Primary School, Bahragora

01.04.1963

31.03.2002

22

Mandakini Pal

Middle School, Bamdol

01.01.1970

31.03.1982

3. Petitioners are either employee themselves or their legal heirs in respective cases, who claim interest on the arrears of salary for the period 01.01.1971 to 31.03.1973, details of which are also furnished in the form of chart at para-9 of the writ petition, which are shown herein below:-

Sl. No.

Name of the Employee

Arrears of Salary to be deposited in the PF Account

1

Mrityunjay Nayak

451

2

Motilal Manna

656.58

3

Jhareshwar Kuila

1262.67

4

Goshtha Bihari Shaw

1262.67

5

Bhudeo Chandra Ghosh

1262.67

6

Bhushan Chandra Ghosh

1262.67

7

Ramendra Nath Saw

1262.67

8

Bhutnath Dandwat

1152

9

Kalicharan Majhi

1096

10

Majhiya Majhi

1151

11

Kalicharan Mahto

1416

12

Ambuj Kumar Mahto

1416

13

Asit Ranjan Bassi

1323.22

14

Binapani Rai

656

15

Jagatpati Ghosh

1416

16

Late Baidyanath Mahanty

1422

17

Parmanand Mandal

1152

18

Sharat Chandra Kuila

1281

19

Chitreshwar Ghosh

1281

20

Ratan Chand Majhi

1152

21

Maheshwar Mahto

1151

22

Mandakini Pal

1281

4. The arrears of salary for the period 01.01.1971 to 31.03.1973 were deposited

in provident fund account of individual employees by virtue of decision of the State Government bearing resolution No. 763 dated 09.02.1973 where under certain schools were nationalised w.e.f. 01.01.1971. It was provided thereunder that such teachers were entitled to get prescribed scale of pay for Government Teachers w.e.f. 01.04.1973 and arrears of salary for the period 01.01.1971 to 31.03.1973 shall be deposited in their provident fund account.

5. Learned counsel for the petitioners has referred to the resolution itself at Annexure-1. Decision rendered in similar cases by this Court such as in the case of Hare Ram Pandey v. State of Jharkhand and Ors. in LPA No. 651 of 2002 dated 30.04.2003 and other cases decided by learned Single Bench of this Court are enclosed as Annexure-3 series. Reliance has also been placed upon the communication of the Deputy Director, Primary Education contained in letter No. 2039 dated 20.08.2010, Annexure-4 to all District Superintendent of Education in the matter relating to payment of arrears of difference of salary from 01.01.1971 to 31.03.1973. According to the petitioners, their schools were taken over under the said resolution by the State Government. Though arrears of difference of salary have been paid, but interest thereupon as per GPF Rules have not yet been paid. Therefore, petitioners have come before this Court.

6. Learned counsel for the State submits that instructions are awaited, but petitioners may be directed to approach the respondent nos. 4 and 5 i.e. District Superintendent of Education, Jamshedpur and District General Provident Fund Officer, Jamshedpur for redressal of their grievances in accordance with law after due scrutiny of all relevant records relating to individual employees.

7. Having taken into account the relevant facts pleaded and the submissions advanced, the writ petition is disposed of with liberty to individual petitioners to approach the respondent No. 4, District Superintendent of Education, Jamshedpur by way of representation for redressal of their grievances relating to payment of interest on arrears of salary from 01.01.1971 till 31.03.1973 duly supported with all necessary facts and documents. On receipt of the same, respondent No. 4, District Superintendent of Education, Jamshedpur after examining the case of individual petitioners from the relevant records, if comes to a conclusion regarding admissibility of the claim of the individual petitioners, necessary statements and other relevant records be forwarded to the office of respondent No. 5, District General Provident Fund Officer, Jamshedpur for processing and release of admissible interest over the arrears of difference of salary for the period in question within a period of 10 weeks from the date of receipt of a copy of this order along with such representation.

8. The writ petition stands disposed of accordingly.