
(2020) 07 JH CK 0058
In the Jharkhand High Court
Case No : Writ Petition(S) No.930 of 2019

Nagendra Prasad Singh

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-07-2020

Acts Referred:

Citation : (2020) 07 JH CK 0058

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Rahul Kumar, Rishu Ranjan

Final Decision : Disposed Of

Judgement

Heard Mr. Rahul Kumar, the learned counsel appearing for the petitioner and Mr. Rishu Ranjan, AC to SC-III appearing on behalf of the respondent-

State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due

to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard.

Defects are ignored.

The petitioner has preferred this writ petition for a direction to allow the benefits of financial up-gradation under Selection Grade to the petitioner

payable to the petitioner w.e.f. 01.04.1992 and to revise the pay of the petitioner with consequential relief.

The learned counsel for the petitioner submits that the petitioner was appointed as Assistant Teacher on 02.09.1962 and after serving the respondent

school for about 37 years he retired from the post of Assistant Teacher from Government High School, Nagar Untari, Garhwa w.e.f. 31.01.1999. He

submits that the petitioner is eligible for promotion/financial up-gradation under selection grade w.e.f. 01.04.1992. He submits that the petitioner had

already undergone in-service training for the promoted post for selection grade as is evident from Annexure-1, a certificate dated 29.06.1997. He

submits that the petitioner has received unrevised scale and has retired on 31.01.1999. He further submits that in view of the up-gradation the

monetary benefits with regard to provident fund, gratuity, leave-encashment and pension payment order are to be rectified after providing the same.

He further submits that in view of Annexure-4 and 5 this writ petition may be disposed of as there is decision with regard to such payment by way of

Annexure-5 whereby Regional Deputy Director has directed the District Education Officer to consider the case of the petitioner.

The learned counsel for the respondent State submits that the District Education Officer will take a decision in terms of the Annexure-4 and 5 of the writ petition.

Accordingly the petitioner is directed to move before the District Education Officer by filing a fresh representation including Annexure-4 and 5 to the writ petition within three weeks from today.

If such a representation is filed by the petitioner within the aforesaid period, the District Education Officer, Garhwa-respondent no.4 shall take a decision in accordance with rules, regulations, guidelines as well as in view of the Annexure-4 and 5 and will pass appropriate reasoned order within eight weeks thereafter.

It goes without saying that if the petitioner is found entitled for the benefits, the benefit of same shall be released in favour of the petitioner within two weeks thereafter.

With the aforesaid observation and direction the writ petition [W.P.(S) No.930 of 2019] stands disposed of.

I.A. if any also stands disposed of.