
(2012) 06 JH CK 0034

In the Jharkhand High Court

Case No : Cont. Case (Civil) No. 379 of 2011

Nagina Bhagat

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-06-2012

Acts Referred:

Citation : (2012) 4 JCR 484 : (2012) 3 JLJR 556

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Manoj Tandon, for the Appellant;

Judgement

Narendra Nath Tiwari

1. The petitioner had filed the writ petition being W.P. (S) No. 3773/2010 praying for a direction on the respondents to pay his retiral dues and other entitlements. The said writ petition was disposed of directing the respondents to consider the petitioner's claims and dispose of his representation. The O.P. No. 2 considered the petitioner's claims and passed the order.

2. The petitioner is aggrieved by the said order and has claimed that the order of this Court has not been properly complied with.

3. On going through the said order, I find that the petitioner was allocated Bihar Cadre and for that purpose he was relieved from the State of Jharkhand on 31.7.2007.

4. In view of the petitioner's relieving from the State of Jharkhand, the O.P. No. 2 concluded that he is not entitled to get his retiral dues from the State of Jharkhand.

5. Learned counsel appearing on behalf of the State of Bihar, on the other hand, submitted that the petitioner had never joined the State of Bihar after allocation of Bihar Cadre and as such he cannot be treated as an employee of the State of Bihar. The State of Bihar is not liable to pay the retiral dues to the petitioner. The

Commissioner, Agriculture Production Department, Government of Bihar, Patna has passed a reasoned order to that effect.

6. The petitioner has also admitted that after his relieving from the State of Jharkhand on 31.7.2007 he did not join the State of Bihar. However, he has claimed that only because he had not joined the State of Bihar after his relieving from the State of Jharkhand, his admissible retiral benefits cannot be denied by the State of Jharkhand which have accrued at least up to 31.7.2007, when he was released from Jharkhand.

7. Learned J.C. to G.P-II submitted that the petitioner is now making his claims on the basis of his service period up to 31.7.2004 -- the date he was relieved for joining the State of Bihar, but he has never made his claim on that basis earlier before the competent authority.

8. I find substance in the submissions of learned counsel for the O.P. No. 2. If the petitioner claims his retiral benefits up to 31.7.2007- the date he was relieved from the State of Jharkhand after allocation of Bihar Cadre, he should have filed such representation before the competent authority. It has been informed that the Secretary, Agriculture and Sugarcane Department, Government of Jharkhand, Ranchi is the competent authority to consider such claim.

9. There is nothing on record to show that the petitioner has ever made his claim of retiral benefits up to the date of his relieving from the State of Jharkhand on 31.7.2007. If the petitioner so desires, he may make such claim by filing representation before the Secretary, Agriculture and Sugarcane Department, Government of Jharkhand, Ranchi. If such representation is filed, the Secretary shall consider the petitioner's claim and pass appropriate order in accordance with law within six weeks from the date of receipt of the representation. If the petitioner's claim(s) is/are found genuine, the admitted amount of the retiral dues and the other benefits shall be paid to the petitioner within two months thereafter.

10. I find no ground made out for proceeding against the O.P. No. 2 in this case, any further.

11. The contempt proceeding is dropped.

12. This case stands disposed of. The personal appearance of the O.P. No. 2 is dispensed with.