
(2004) 05 JH CK 0076
In the Jharkhand High Court
Case No : Writ Petition (S) No. 7019 of 2002

Nand Gopal Sah

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 JCR 543

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : S.S. Choudhary, for the Appellant; J.C. to GP-III, for the Respondent

Judgement

Amareshwar Sahay, J.—The prayer of the petitioner in this writ application is for direction to the respondents to release the retiral dues amounting to Rs. 1,71,300/- which has been withheld by the respondent No. 4. Further prayer is for the quashing the order as contained in Memo No. 157 dated 10/3/ 2000 contained in Annexure-4 whereby the petitioner was informed that he had taken on advance a sum of Rs. 1,71,300/- and, therefore, the said amount has been adjusted against the payment of his dues to the tune of Rs. 1,70,248, therefore, the balance amount of 1052/- has to be deposited by him.

2. On the other hand, from the averments made in the counter affidavit it appears that work of certain scheme was allotted to the petitioner in the year 1982-83 and advanced was sanctioned to him to carry out the work. It is stated that no technical and administrative approval was taken for the said work. It was the responsibility of the petitioner that he should not have received any amount of advance without technical and administrative approval. It further appears from the counter affidavit that the enquiry was conducted in which it was found that the work given to the petitioner was completed and the completion certificate was also granted duly certified by the Junior Engineer.

3. In view of the nature of dispute, this application is disposed of with a direction

to the petitioner to file a fresh representation stating in detail about his claim before the Deputy Commissioner, Sahebganj alongwith all supporting documents within a period of three weeks. If such representation is filed by the petitioner within the period specified above, the Deputy Commissioner, shall look into the matter himself and pass an appropriate order in accordance with law deciding the claim of the petitioner within a period of eight weeks from the date of receipt of such representation.

4. The liberty is given to the petitioner that if he is aggrieved by the order passed by the Deputy Commissioner pursuant to the direction of this Court, he will have the liberty to challenge the same before an appropriate forum available to him under the law.