

(2012) 04 JH CK 0158

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5114 of 2009

Nawal Kishore Prasad Sinha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Citation : (2012) 3 JCR 420

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : A.K. Srivastava, for the Appellant;

Judgement

Aparesh Kumar Singh, J.—Heard, Learned Counsel for the petitioner and Learned Counsels for the respondents. The petitioner has moved before this Court with a prayer to issue a direction to the respondents for the following reliefs:--

(A) The respondents be directed to pay to all his retirement benefits like provident fund amount, gratuity amount, leave salary and pension to the petitioner with interest.

(B) The respondents be directed to fix his salary and give financial benefits under the ACP (Assured Career Progression Scheme).

(C) The respondent be directed to pay the benefits of financial progression under the ACP from the date of joining i.e. from 09.01.1979.

2. It is submitted by Learned Counsel for the petitioner that petitioner had retired from the post of Agriculture Inspector from the office of Sub-Divisional Agriculture Officer, Khunti on 30.09.2009. It is further submitted by Learned Counsel for the petitioner that during the pendency of this writ petition a number of grievances relating to the payment of post retiral benefits as well as other legal dues have already been paid to him. It is further submitted that benefit of modified ACP Scheme, which was introduced in the year 2006, has not been granted to him, although he was granted the benefit of ACP as per the scheme of

the year 2002 and the petitioner's salary has not been fixed as per the recommendation of 6th Pay Commission adopted by the Government of State of Jharkhand. The petitioner is, therefore, claiming entitlement of the consequential benefits arising out of such revision in scale. In the circumstances, Learned Counsel for the petitioner submits that petitioner would be satisfied, if liberty is granted to the petitioner to approach before the competent authority i.e. respondent No. 3, Director of Agriculture, Jharkhand, Krishi Bhawan, Kanke Road, Ranchi, for redressal of his grievance.

3. In the facts and circumstances of the case, this writ petition is disposed of by giving liberty to the petitioner to file a fresh representation before the respondent No. 3, Director of Agriculture, Jharkhand, Krishi Bhawan, Kanke Road, Ranchi containing all necessary facts and particulars as required by the competent authority for redressal of his remaining grievances as stated hereinabove within a period of three weeks. In case, such a representation is filed before the respondent No. 3, Director of Agriculture, Jharkhand, Krishi Bhawan, Kanke Road, Ranchi, he would consider the same in accordance with law and pass a speaking and reasoned order within a period of six weeks thereafter and the same shall be communicated to the petitioner. In case, the petitioner is found entitled to any of the dues legally admissible to him, the same should be paid within four weeks thereafter with statutory interest, If any. With the aforesaid observations and directions, this writ petition stands disposed of.