
(2020) 01 JH CK 0285

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5278 Of 2018

Nimai Chandra Mallick

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Citation : (2020) 01 JH CK 0285

Hon'ble Judges : Dr. S.N. Pathak, J

Bench : Single Bench

Advocate : Leena Mukherjee, Suresh Kumar

Final Decision : Disposed Of

Judgement

1. The petitioner has approached this Court for direction upon the respondents for making payment of re-fixation of pension in view of Bihar Government Elementary School Teacher's Promotion Rule, 1993, petitioner has served for more than 33 years of service the grade pay will be increased by Rs.200/- only from Rs.4600 to Rs. 4800, with scale of Rs.5500-175-9000 vide P.P.O.No.PNCEDN21149 w.e.f. 01.04.2001 with revised pay scale, and for giving the benefit of (i) Arrear of pension, (ii) Gratuity and (iii) benefit of other dues, as he retired on 31.01.2010 but the pension have not been made in Revised Grade Pay Scale, and he is legally entitled with 10% interest, and further to direct the concerned respondents to send service book and pension paper for finalization of pension.

2. At the very outset, learned Counsel for the petitioner submits that suffice it would be if this writ petition is treated as a representation of the petitioner and the respondents may consider the same and pass a reasoned order and if it is found that the petitioner is entitled for benefits, as claimed in the prayer portion of the writ petition, the same may be extended and granted to him.

3. The respondent has no objection if the present writ petition is treated as representation of the petitioner, the same shall be considered and reasoned order

shall be passed.

4. In view of the submissions made by the learned Counsel for the parties, without going into the merits of this case, let the present writ petition be treated as a representation of the petitioner and accordingly, I hereby direct the petitioner to approach the respondents with a copy of this writ petition along with a copy of this order and any other document upon which he is relying, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the case of the petitioner and pass a speaking order assigning valid and concrete reason for consideration/non-consideration of the case of the petitioner, in accordance with law with a copy to the petitioner, within a period of six weeks thereafter. It is made clear that the respondents shall provide ample opportunity of hearing to the petitioner.

5. Needless to say that if the petitioner is found entitled for the benefits, as claimed for, the same shall be extended to him within a period of six weeks thereafter. If any adverse order is passed, the same may be communicated to the petitioner within a further period of 15 days.

6. With the aforesaid observations and directions, this writ petition stands disposed of.