
(2013) 03 JH CK 0060

In the Jharkhand High Court

Case No : Writ Petition (S) No. 806 of 2006

Nitya Nand Mishra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-03-2013

Acts Referred:

Citation : (2013) 2 AJR 690

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : J.R. Jha, Aishwarya Prakash and Ashis Thakur, for the Appellant;

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner had come before this court seeking a direction to the respondents to pay the post retirement dues and the benefits accruing out of the Assured Career Progression Scheme since he had retired from his active service from 30th June, 2003 from the Respondents, Minor Irrigation Department, Chaibasa.

2. The affidavit filed on behalf of the respondent No. 4, Executive Engineer, Minor Irrigation Division, Chaibasa, states that the petitioner has already been granted 2nd A.C.P. vide letter No. 729 dated 20th June, 2006 and as such his pay fixation has already been done in the scale of Rs. 10,000-15,200/-. However, it has been stated that the service book was submitted to the department for approval and thereafter it would be sent to the Accountant General for final fixation. However, it has been stated in the affidavit filed on 13th July, 2006 on behalf of the respondent No. 2 that fixation of pay scale upon grant of ACP has been made in the scale of Rs. 10.000-15.000/- w.e.f. 9.8.1999 and financial benefit to be given with effect from 15th November, 2000. Accordingly after fixation of pay on that scale his arrear pay from 15th November, 2000 to 30th June, 2000. amounting to Rs. 109,665/- has been paid to the petitioner and also difference of gratuity and leave encashment amounting to Rs. 62,480 and Rs. 35, 888/- respectively has

also been paid to the petitioner.

3. In the background of the aforesaid facts, it has been stated on behalf of the respondents that the grievances of the petitioner have been redressed. Learned counsel for the petitioner, however, submits that he does not have latest instruction as of now in the circumstances in view of the stand taken by the respondents as indicated hereinabove.

4. It appears that the grievances of the petitioner relating to grant of ACP and further difference of salary and pension and leave encashment and gratuity on that account have been redressed. However, if the petitioner has any surviving grievance, he is at liberty to approach the respondent authorities for redressal of the same which may be considered in accordance with law. With the aforesaid observations/directions, this writ petition stands disposed of.