

(2013) 11 JH CK 0053
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5859 of 2013

Raghuraj Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-11-2013

Acts Referred:

Citation : (2013) 11 JH CK 0053

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Ashok Kr. Pandey, for the Appellant;

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The grievance of the petitioner is in relation to non payment of admissible post retirement dues such as GPF, Group Insurance, Leave Encashment, Gratuity and Pension as he has retired from the post of Jan Sevak on 31st December 2003.

2. Counsel for the petitioner submits that he was appointed as a Jan Sevak in the year 1975 under the Agriculture Department of erstwhile Government of Bihar. He has been posted in different places and lastly in Surid Upakhand, Burhmu under the same department. He further submits that a criminal case was instituted against him under the provisions of Sections 302/34 read with section 201 of the Indian Penal Code for having committed the murder of one person and caused disappearance of the evidence. On account of institution of the FIR being Ratu P.S. Case No. 27/86, the petitioner was served with a charge sheet vide Annexure-4 issued under the signature of the Deputy Commissioner, Ranchi. On the allegation that he was implicated in a criminal case, he was also placed under suspension. However, the petitioner retired in suspension and finally has been acquitted by the judgment dated 13th April 2010 passed by the Court of 1st Additional Judicial Commissioner, Ranchi in Sessions Trial No. 392/86 (Annexure-6). Learned counsel for the petitioner submits that the petitioner does

not know about any order passed in the said departmental proceeding against him and till date, his post retirement dues are also withheld. In such circumstances, once he has been acquitted of the criminal charges which formed the basis of the departmental proceeding, the respondent should take an informed decision in the matter of the departmental proceeding if they are pending, till date and also pay the admissible post retirement dues of the petitioner within a stipulated time.

3. Counsel for the State submits that the writ petition has been filed about two months ago and no counter affidavit could be filed by now. However, it is submitted that given the development which have been indicated in the writ petition including the judgment of acquittal passed in the case of the petitioner vide Annexure-6, it would be desirable that the petitioner approaches the Deputy Commissioner, Ranchi who may look into the grievances of the petitioner after taking into account all such facts and circumstances including his acquittal in the said criminal case. Having heard learned counsel for the parties and in the aforesaid facts and circumstances of the case, without making any comment upon the case of the parties, the writ petition is being disposed of with liberty to the petitioner to approach the Respondent No. 3 - Deputy Commissioner, Ranchi with a fresh representation together with all supporting facts and documents for redressal of his grievances relating to payment of admissible post retirement dues as also for taking a decision in the departmental proceeding if pending till date, within a period of three weeks from today. On receipt of such representation, the Respondent No. 3 shall consider the same in accordance with law and after due verification of the relevant records relating to the petitioner as also the judgment of acquittal passed in his case by the competent Trial Court, pass a reasoned and speaking order in the matter of departmental proceeding, if pending till date, as also on the issue relating to the payment of admissible post retirement dues to the petitioner, within a period of sixteen weeks thereafter, which shall also be communicated to the petitioner.

Needless to say, dependent upon such decision, any post retirement dues which are found to be legally admissible, shall be released in favour of the petitioner within a further period of ten weeks thereafter.

The writ petition is disposed of with the aforesaid observations and directions.