

(2008) 03 JH CK 0096
In the Jharkhand High Court

Ram Chandra Pathak

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-03-2008

Acts Referred:

Citation : (2008) 2 JCR 642

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J.—In this writ petition, the petitioner has prayed for a direction on the respondents to pay the retiral dues, payable to him, as also the salary for the month of March 2000, which is still arrear and has not been paid to him.

2. It has been stated that the petitioner retired from the services of respondents on attaining the age of superannuation on 30th June, 2002, while he was working as Supervisor of Tasar Seed Supply, Dumka. After his retirement, the petitioner was entitled to get all the arrears and the retiral benefits, but the benefits payable to the petitioner were not paid to him. Arrear of salary for the month of March, 2000 was also not paid to the petitioner.

3. A counter-affidavit has been filed on behalf of the respondents, stating, inter alia, that the respondents have already paid the entire dues and nothing is due to be paid to the petitioner. It has been further stated that the petitioner is not entitled to get salary for the month of March, 2000 due to his absence from duty. Though the petitioner was absent from the duty, he had marked his attendance fraudulently for claiming salary of the said month and as such, he is not entitled to get the same.

4. I have heard learned Counsel for the parties and considered the facts and materials brought on record. Learned Counsel appearing on behalf of the petitioner submitted that a proceeding was initiated against the petitioner for the charges of misconduct after his retirement under Rule 43(b) of the Bihar Pension Rules.

5. The enquiry was duly made and on its conclusion, the charges could not be substantiated and the petitioner has been exonerated from the charges by order dated 11th May, 2007 during the pendency of this writ petition.

6. Learned J.C. to S.C. II, appearing on behalf of the respondents, on the other hand, submitted that this case may be disposed of in view of the submissions made by learned Counsel for the petitioner and if the petitioner has been exonerated from the charges after enquiry, he may claim his salary on the basis thereof by filing representation before the Assistant Director, Industry (Silk), Santhal Parganas, Dumka, respondent No. 2, as also before the Project Officer, Advanced Project Centre Kathijoria, Dumka, respondent No. 5, who are competent to pass appropriate order.

7. Considering the said submissions made by the learned Counsel for the parties as also facts and circumstances of the case, this writ petition is disposed of giving liberty to the petitioner to prefer his claim for salary of March, 2000 as also the claim of any other dues by filing representation before respondent Nos. 2 and 5. The said respondents on receipt of the representation at their respective ends, shall consider the same and pass appropriate order, in accordance with law, within a period of six weeks from the date of receipt of the representation if the petitioner is found entitled to get one or the other amount(s) of claim, the same shall be paid to the petitioner within a period of four weeks thereafter with statutory interest. If the amount(s) found payable to the petitioner is/are not paid within the said period, the same shall carry interest @ 10% per annum till final payment.