

(2004) 08 JH CK 0036

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2668 of 2004

Ram Khelawan Singh

APPELLANT

Vs

Patratu Thermal Power Station and Others

RESPONDENT

Date of Decision : 12-08-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 2 JCR 78a

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : Ajay Kumar Sinha, for the Appellant; R. Krishna, for the Respondent

Judgement

R.K. Merathia, J.—Heard the parties.

2. Petitioner prays for a direction for payment of his retiral dues in revised scale of pay.

3. Against the leave encashment on revised scale, a cheque has already been handed over by the respondents to Mr. Ajay Kumar Sinha, learned counsel for the petitioner on 29.7.2004.

4. Mr. Ajay Kumar Sinha, learned counsel for the petitioner submitted that inspite of information sent to his client, petitioner has not contacted him to receive the said cheque and for giving instructions.

5. Learned counsel for the respondents submitted that petitioner is getting pension in revised scale. Commutation of pension of other employees including the petitioner is in process. Arrears of salary on 5th Pay Revision Commission is being paid to the petitioner. First instalment of the same has been paid.

6. Learned counsel for the respondents today produced another Account Payee Cheque No. 8673 dated 23.7.2004 drawn on State Bank of India, Patratu amounting to Rs. 2,40,026/- on account of gratuity.

7. In the circumstances, petitioner may collect the said cheque against gratuity from the office of respondent No. 2.
8. Learned counsel for the respondent submitted that some of the amount has been withheld as petitioner has not vacated the quarter as yet. It is further submitted that petitioner is living in M.P. and the said quarter is kept locked.
9. Petitioner is directed to vacate the quarter within two weeks from today. Respondents shall be entitled to charge rent/penal rent as per the law, from the balance amount of the petitioner withheld by them.
10. If petitioner claims any further amount, he may file representation before the competent authority. The competent authority shall pay if it is found that petitioner is entitled to any further amount. If petitioner is found not entitled to any further amount claimed by him, reasons thereof must be communicated to him.
11. This exercise should be completed within four weeks from the date of receipt of such representation.
12. It is made clear that this Court has not gone into the merits of the case.
13. With the aforesaid observations/directions, this writ petition is disposed of.